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OF

Effective June 1, 1938

U. S. GOVERNMENT PRINTING OFFICE: 1939

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UNITED STATES
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SUBPART—MEDITERRANEAN FRUITFLY AND MELON FLY

QUARANTINE

Section 301.13 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that there exists in the Territory of Hawaii a dangerous insect infestation, new to and not heretofore widely prevalent or distributed within and throughout the mainland of the United States, by two insects, to wit, the Mediterranean fruitfly (*Ceratitis capitata*) and the melon fly (*Dacus cucurbitae*).

The Secretary of Agriculture, under the authority conferred by section 8 of the Act approved August 20, 1912, known as the Plant Quarantine Act (39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161), does hereby quarantine the Territory of Hawaii as infested by the Mediterranean fruitfly and the melon fly and does hereby prohibit the movement from the Territory of Hawaii into or through any State, Territory, or District of the United States other than Hawaii of all fruits and vegetables, in the natural or raw state, except in manner or method or under conditions prescribed in the regulations of the Secretary of Agriculture hereinafter made and amendments thereto.* [Notice of Quarantine 13, rev., Mar. 12, 1917]

*§§ 301.13 to 301.71-6, inclusive, issued under the authority contained in 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

ABBREVIATIONS: The following abbreviations are used in this chapter:

BEPQ	Administrative instructions, Chief, Bureau of Entomology and Plant Quarantine.
FHB	Federal Horticultural Board.
HB	Administrative instructions, Chairman, Federal Horticultural Board.
PQCA	Administrative instructions, Chief, Plant Quarantine and Control Administration.
R. & Regs.	Rules and Regulations, Secretary of Agriculture.
Reg.	Regulations.
Sec. Agric.	Secretary of Agriculture.
Sec. Treas.	Secretary of the Treasury.
SRA	Service and Regulatory Announcement.
T. D. (Customs)	Treasury decisions, Customs series, United States Treasury Department.

RULES AND REGULATIONS

301.13-1 Fruits and vegetables prohibited. No fruits or vegetables whatsoever, in the natural or raw state, except as provided in § 301.13-2, shall be moved from the Territory of Hawaii into or through any other State, Territory, or District of the United States.*†

†In §§ 301.13-1 to 301.13-12, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 13, rev., on account of the Mediterranean fruitfly and melon fly in Hawaii, Department of Agriculture, May 20, 1930, effective June 1, 1930.

301.13-2 Shipment of bananas, pineapples, taro, coconuts, lily root, and ginger root permitted under certification. Bananas (*Musa* spp.) of the noncooking type, pineapples (*Ananas sativus*), taro (*Colocasia antiquorum esculentum*), coconuts (*Cocos nucifera*), lily root (*Nelumbium nucifera*), and ginger root (*Zingiber officinale*) may be moved or allowed to move from the Territory of Hawaii into or through any other State, Territory, or District of the United States, when such fruits or vegetables have been inspected by the United States Department of Agriculture, certified to be free from infestation by the Mediterranean fruitfly and the melon fly, and marked in compliance with the regulations in this subpart: Provided, That other fruits and vegetables may be certified for movement to the mainland where it can be shown to the satisfaction of the Department of

*For statutory citation, see note to § 301.13.

Agriculture that such fruits and vegetables in the form and manner in which they are to be shipped are not and cannot be a means of conveying either the Mediterranean fruitfly or the melon fly: Provided further, That the regulations in this subpart shall not apply to coconuts, either in or free from the husk, when shipped through the mails without wrapping or packing as individual parcels.*†

301.13-3 Application for inspection. Persons intending to move any of the fruits or vegetables listed under § 301.13-2 from the Territory of Hawaii into or through any other State, Territory, or District of the United States shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application should show the quantity of the fruits or vegetables which it is proposed to move, together with their exact location and the contemplated date of shipment.

Blanks on which to make application for inspection or for permits will be furnished, upon request, by the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, King Street, Honolulu.*†

301.13-4 Certification of shipments. Fruits and vegetables listed under § 301.13-2 shall not be moved from the Territory of Hawaii into or through any other State, Territory, or District of the United States, by cars, boats, or other vehicles unless each shipment is accompanied by a certificate issued by an inspector of the United States Department of Agriculture showing that such fruits or vegetables have been inspected by said Department and pronounced free from infestation by the Mediterranean fruitfly and the melon fly. The inspection certificates shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments.

The inspection certificate will not be issued until an authorized representative of the Bureau of Entomology and Plant Quarantine shall have determined, by adequate inspection, that the plantation on which the inspected fruits or vegetables were produced is free from infestation, and from contiguous sources of infestation, by the Mediterranean fruitfly and the melon fly.

Certificates of inspection will be issued only for fruits or vegetables which have been actually inspected by the United States Department of Agriculture, and the use of such certificates in connection with fruits or vegetables which have not been so inspected is prohibited.

Inspection and certification required by the regulations in this subpart will be furnished without the payment of fees or charges of any nature. Applicants for inspection will be required to place the fruits or vegetables to be inspected so that they can be readily examined. If not so placed inspection will be refused.*†

301.13-5 Marking of containers. No fruits or vegetables listed under § 301.13-2 shall be moved from the Territory of Hawaii into or through any other State, Territory, or District of the United States unless the car, box, bale, or other container thereof be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall bear the original or a dupli-

cate copy of the certificate required by § 301.13-4. The containers or wrappers shall be new and of materials which are approved by the inspector of the United States Department of Agriculture.*†

301.13-6 Movement within quarantined area. The local or interisland movement of all fruits and vegetables, exclusively within the area quarantined for the Mediterranean fruitfly and the melon fly, is not prohibited by the regulations in this subpart and is subject only to such restrictions as may be imposed under the laws of Hawaii.*†

301.13-7 Quarantined fruits and vegetables as ships' stores or in possession of crew or passengers. No restriction is placed on the movement of the fruits or vegetables covered by § 301.13 as ships' stores or by passengers and crews on ships or vessels plying between Hawaii and any State, Territory, or District of the United States other than Hawaii, except that such fruits or vegetables must be entirely consumed or removed from such ships or vessels before such ships or vessels reach the territorial waters of any State, Territory, or District of the United States other than Hawaii.*†

301.13-8 Inspection of vessels. Inspectors of the United States Department of Agriculture are authorized to enter upon ships or vessels from Hawaii at any time after they come within the territorial waters of any State, Territory, or District of the United States other than Hawaii, whether in the stream or at the dock, wharf, or mole, for the purpose of ascertaining by inspection whether any of the fruits or vegetables covered by § 301.13 are contained in such ships or vessels as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables. All ships or vessels plying between Hawaii and any State, Territory, or District of the United States other than Hawaii, upon coming within the boundaries of any port within the United States other than Hawaii, must stop in the quarantine area of such port to permit boarding by inspectors of the United States Department of Agriculture for the purpose of making such inspection, and such ships or vessels must remain in the quarantine area until such inspection is completed. Such boarding shall be done only between the hours of sunrise and sunset, and any such ship or vessel arriving after sunset must remain at anchor in the quarantine area until boarded and released by an inspector of the United States Department of Agriculture the following morning.

When such ship or vessel has been inspected in a manner satisfactory to the inspector making the inspection and is found to be apparently free from the articles enumerated in § 301.13, such inspector shall immediately issue and deliver to the person having charge or possession of such ship or vessel a certificate evidencing such inspection, which shall permit such ship or vessel to proceed from the quarantine area to anchorage or to dock, wharf, or mole.*†

301.13-9 Disinfection of vessels. Before proceeding from the quarantine area to anchorage or to dock, wharf, or mole, any ship or vessel found to contain or to be infested from any of the fruits or vegetables covered in § 301.13, and all articles that have been in

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.13-1.

contact with such fruits or vegetables shall be immediately disinfected by the person having charge or possession of such ship or vessel under the direction and in the manner prescribed by the inspector of the United States Department of Agriculture. When such ship or vessel has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession of such ship or vessel a certificate evidencing such disinfection, which shall permit such ship or vessel to proceed from the quarantine area to anchorage or to dock, wharf, or mole.*†

301.13-10 Inspection of baggage and cargo. Inspectors of the United States Department of Agriculture are authorized to ascertain by inspection whether any of the fruits or vegetables covered by § 301.13 are contained in the baggage or other personal belongings of passengers and members of the crew on ships or vessels plying between Hawaii and any State, Territory, or District of the United States other than Hawaii, such baggage inspection to be made, at the discretion of the inspector of the United States Department of Agriculture, either on the docks or on the ship while in the quarantine area at the first port of arrival within any State, Territory, or District of the United States other than Hawaii where such ship or vessel may arrive, and no such baggage or personal belongings of passengers or crew shall be removed from such dock or ship until the same have been inspected and passed by an inspector of the United States Department of Agriculture. No cargo shall be unloaded from such ship or vessel until all baggage or other personal belongings of all passengers have been inspected and passed and until there has been provided by the owner or operator of such ship or vessel sufficient space and adequate facilities on the dock or ship for such inspection.

Inspectors of the United States Department of Agriculture are authorized to open and inspect any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by § 301.13, whether carried as ships' stores, cargo, or otherwise, by any ship or vessel plying between Hawaii and any State, Territory, or District of the United States other than Hawaii.*†

301.13-11 Posting of warning notice and distribution of baggage declarations. Before any ship or vessel from Hawaii arrives within the boundaries of any State, Territory, or District of the United States other than Hawaii, the master, captain, or other person having charge or possession of any ship or vessel, shall cause to be distributed to each passenger thereon a baggage declaration, to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, § 301.13, and the regulations in this subpart. These baggage declarations, after being signed by the passengers, shall be collected and delivered by the purser to the inspector of the United States Department of Agriculture on arrival at quarantine.

Every person or company owning or controlling any dock, yard, or other harbor in Hawaii from which ships or vessels sail for ports in the continental United States, or in any of its Districts or Territories, except Hawaii, and every master, captain, or other person in

charge or possession of any ship or vessel sailing from Hawaii destined to a port in the continental United States, or any of its Districts or Territories, except Hawaii, shall, respectively, post in one or more conspicuous places, and keep posted at all times in one or more conspicuous places, on or in said dock, yard, or other harbor, or in such ship or vessel, and in at least three places—the cabin, the steerage, and crew's quarters in such ship or vessel—a copy of the warning notice printed on the reverse side of the baggage declaration.*†

301.13-12 Shipments by the United States Department of Agriculture. Articles subject to restrictions in the regulations in this subpart may be moved to the mainland by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

CROSS REFERENCE: For restrictions affecting the importation and interstate movement of frozen-pack fruits under this quarantine, see § 319.56-2c.

SUBPART—SUGARCANE

301.16 Notice of quarantine. I, M. L. Wilson, Acting Secretary of Agriculture, have determined, and notice is hereby given, that certain injurious insects and diseases of sugarcane, new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in the Territories of Hawaii and Puerto Rico, and that, in order to prevent the introduction of these insects and diseases into any other Territory, State, or District of the United States, it is necessary to quarantine the said Territories of Hawaii and Puerto Rico.

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, I do hereby quarantine the Territories of Hawaii and Puerto Rico. On and after January 1, 1935, it shall be unlawful to move any canes of sugarcane, or cuttings or parts thereof, or sugarcane leaves, or bagasse, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States: Provided, That this prohibition shall not apply to the movement of the materials mentioned by the United States Department of Agriculture for scientific or experimental purposes, nor to the movement of specific materials which the Department may authorize under permit, on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their movement will involve no pest risk.* [Notice of Quarantine 16, rev., Dec. 8, 1934]

SUBPART—SWEETPOTATOES

301.30 Notice of quarantine. Under the authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended, the Secretary of Agriculture does hereby quarantine the Territories of Hawaii and Puerto Rico.

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.13-1.

Pursuant to the provisions of the Plant Quarantine Act, it shall be unlawful to move or allow to be moved any variety of sweetpotato (*Ipomoea batatas* Poir) from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, regardless of the use for which the same is intended, except as authorized by the Department of Agriculture for experimental or scientific purposes.* [Notice of Quarantine 30, rev., Oct. 4, 1934]

SUBPART—BANANA PLANTS

301.32 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that two injurious insects, namely, a weevil known as *Rhabdocnemis obscurus* Boisd., and another weevil known as *Metamasius hemipterus* Linn., new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in the Territories of Hawaii and Puerto Rico, respectively, where they attack bananas and sugarcane.

The Secretary of Agriculture, under the authority conferred by the Act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U.S.C. 151-167), does hereby quarantine said Territories of Hawaii and Puerto Rico, and does prohibit by this notice of quarantine the movement from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States of all species and varieties of banana plants (*Musa* spp.), or portions thereof.

On and after April 1, 1918, and until further notice, by virtue of the said Act of Congress approved August 20, 1912, it shall be unlawful to move any species or varieties of banana plants (*Musa* spp.), or portions thereof, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, regardless of the use for which the same are intended.

This section shall not apply to the movement by the United States Department of Agriculture of the plants named for experimental or scientific purposes.* [Notice of Quarantine 32, Mar. 15, 1918]

SUBPART—BLACK STEM RUST

QUARANTINE

301.38 Notice of quarantine. Under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing required thereby, the Secretary of Agriculture does quarantine each and every State of the continental United States and the District of Columbia, effective on and after September 1, 1937. Hereafter, under the authority of said Act of August 20, 1912, amended as aforesaid, no plants of common barberry or other species of *Berberis* or *Mahonia*, or parts thereof capable of propagation, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of the quarantine States or District into any of the protected States,

namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and in amendments thereto.* [Notice of Quarantine 38, rev., Aug. 4, 1937]

301.38a Administrative instructions; unrestricted and restricted barberries. The rules and regulations supplemental to § 301.38 provide that no plants, cuttings, stocks, scions, buds, fruits, seeds, or other plant parts capable of propagation, of the genera *Berberis*, *Mahonia*, or *Mahoberberis*, "shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by the regulations in this subpart on the interstate movement either of Japanese barberry (*Berberis thunbergii*) or any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation."

The protected States referred to below under group B are the 17 barberry eradication States named in § 301.38-2 (a), and quoted above. Barberry and *Mahonia* plants other than those listed in groups (a) and (b) may not be shipped interstate into any of the protected States.

(a) Barberries which may be shipped interstate to any State without permit or restriction.

Berberis thunbergii, *B. thunbergii atropurpurea*, *B. thunbergii maximowiczii*, *B. thunbergii minor*, *B. thunbergii pluriflora*, *B. thunbergii pluriflora erecta*.

(b) Barberries which may be shipped into or between protected States under Federal permit.

Berberis aemulans, *B. aquifolium* (*Mahonia*), *B. beaniana*, *B. buxifolia*, *B. candidula*, *B. chenaultii* (hybrid), *B. circumserrata*, *B. concinna*, *B. darwinii*, *B. dictyophylla* var. *albicaulis*, *B. diversifolia*, *B. edgeworthiana*, *B. gagnepainii*, *B. gilgiana*, *B. julianae*, *B. koreana*, *B. mentorensis*, *B. nervosa* (*Mahonia*), *B. potanini*, *B. repens* (*Mahonia*), *B. sargentiana*, *B. sanguinea*, *B. stenophylla* (hybrid), *B. triacanthophora*, *B. verruculosa*.

Application for permits should be addressed to the Division of Domestic Plant Quarantines, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington, D. C.* (Issued under § 301.38) [BEPQ 385, 2d rev., Aug. 24, 1937]

CROSS REFERENCE: For regulation of the movement of *Berberis* or *Mahonia*, see § 301.38-2 (a).

*For statutory citation, see note to § 301.13.

RULES AND REGULATIONS

301.38-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Black stem rust.** The disease known as the black stem rust of grains (*Puccinia graminis*) in any stage of development.

(b) **Berberis.** Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genus *Berberis*, capable of propagation; commonly known as barberries.

(c) **Mahonia.** Any plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of any species, variety, or hybrid of the genera *Mahonia* (*Odostemon*) or *Mahoberberis*, capable of propagation; commonly known as mahonias, hollygrapes, holly barberries, or Oregon grapes.

(d) **Inspector.** An inspector of the United States Department of Agriculture.

(e) **Moved or allowed to be moved interstate.** Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or District of the continental United States into any other State or District.*†

†In §§ 301.38-1 to 301.38-7, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 38, Department of Agriculture, Aug. 4, 1937, effective Sept. 1, 1937.

301.38-2 Restrictions on the movement of Berberis and Mahonia. (a) No *Berberis* or *Mahonia* shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by the regulations in this subpart on the interstate movement either of Japanese barberry (*Berberis thunbergii*) or any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation.

(b) No *Berberis* or *Mahonia* of species, varieties, or hybrids sufficiently susceptible to infection by black stem rust, in the judgment of the Department, to involve danger of spread of the rust shall be moved or allowed to be moved interstate into any of the said protected States, and no permit will be issued authorizing such movement.

(c) No restrictions are placed by the regulations in this subpart on the interstate movement of *Berberis* or *Mahonia* consigned to destinations located outside the 17 protected States named herein.*†

301.38-3 Conditions governing the issuance of permits—

(a) Applications. Persons intending to move or allow to be moved interstate into any of the protected States any of the articles the movement of which is restricted under § 301.38-2, shall make application to the Bureau of Entomology and Plant Quarantine, Washington, D. C., for permit as far as possible in advance of the probable date of shipment. Applications received after June 1 covering shipments proposed to be made during the following fiscal year may be denied if inspection by the Department before the close of the active growing season cannot be arranged. Applicants will be required to agree that no *Berberis* or *Mahonia* susceptible to infection by black stem rust will be grown in any nursery or nurseries owned or controlled by the applicant or will be distributed by him. The application shall show a complete list of all *Berberis* and *Mahonia* grown by the applicant or proposed to be distributed by him, and the number of plants of each species or variety so grown or to be distributed.

(b) Specimens required. The Department may require such specimens or other evidence as to the identity of the species, varieties, and hybrids grown and may make such inspection as may be necessary to determine such identity. Permits will be issued as to only such species as have proven to the satisfaction of the Department not sufficiently susceptible to infection by black stem rust to involve danger of spread of the rust.

(c) Interstate restrictions. Permits will not be issued for the interstate movement to destinations within the States named in § 301.38-2 of *Berberis vulgaris* or any of its horticultural varieties or of any other species, hybrids, or varieties of *Berberis* or *Mahonia* sufficiently susceptible to infection by black stem rust, in the judgment of the Department, to involve danger of spread of the rust.*†

301.38-4 Cancellation of permits. Permits issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further permits refused, either for any failure of compliance with the conditions of the regulations in this subpart or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of *Berberis* and *Mahonia* susceptible to infection by black stem rust.*†

301.38-5 Marking requirements. Every box, bale, or other container of restricted articles of which inspection is required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall bear, securely attached to the outside thereof, a valid permit issued by an inspector in compliance with the regulations in this subpart.

In the case of carload and other bulk shipments, a valid permit shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments; or in the case of truck or other road vehicle the permit shall accompany the vehicle.*†

301.38-6 Inspection of restricted articles in transit. Any car, vehicle, basket, box, or other container moved or offered to a common carrier for shipment interstate which contains or which the inspector

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.38-1.

has probable cause to believe contains articles the movement of which is prohibited or restricted by the regulations in this subpart shall be subject to inspection by an inspector at any time or place.*†

301.38-7 Shipments by the United States Department of Agriculture. Articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

QUARANTINE

301.45 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that two injurious insects—the gypsy moth (*Porthetria dispar*) and the brown-tail moth (*Nygmia phaeorrhoea*)—not heretofore widely distributed within and throughout the United States, exist in all of Rhode Island, and in parts of the following States, to wit, Maine, New Hampshire, Vermont, Massachusetts, and Connecticut.

The Secretary of Agriculture, under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), does hereby quarantine the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and by this notice of quarantine does order that (a) coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), known and described as “Christmas trees”, and parts thereof, and decorative plants, such as holly and laurel, known and described as “Christmas greens or greenery”; (b) forest-plant products, including logs, tanbark, posts, poles, car stakes, railroad ties, cordwood, and lumber; (c) field-grown florists’ stock, trees, shrubs, vines, cuttings, and other plants and plant products, excepting fruit pits, seeds of fruit and ornamental trees and shrubs, field, vegetable, and flower seeds, bedding plants, and other herbaceous plants and roots; and (d) stone or quarry products, shall not be moved or allowed to move interstate from any of said States in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto: Provided, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation.* [Notice of Quarantine 45, rev., Nov. 4, 1935]

301.45a Administrative instructions; articles exempted from restrictions. In accordance with the proviso in § 301.45, the following articles, the interstate movement of which is not considered to

constitute a risk of moth dissemination, are exempted from the restrictions of §§ 301.45-1 to 301.45-12, inclusive:

Acacia cuttings (for ornamental use (*Acacia* spp.)).
 Banana stalks, when crushed, dried, and shredded.
 Birch slabs for use as post cards.
 Cable reels, when newly manufactured and empty.
 Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
 Evergreen smilax (*Smilax lanceolata*).
 Fuchsia (*Fuchsia* spp.).
 Galax (*Galax aphylla*).
 Geranium (*Pelargonium* spp.).
 Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).
 Heliotrope (*Heliotropium* spp.).
 Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
 Jerusalem-cherry (*Solanum capsicastrum*, *S. pseudocapsicum*, *S. hendersoni*).
 Leaves of deciduous and evergreen trees that have been treated or dyed.
 Mistletoe (*Phoradendron flavescens*, *Viscum album*, etc.).
 Oregon huckleberry (*Vaccinium ovatum*).
 Partridgeberry (*Mitchella repens*).
 Strawberry plants (*Fragaria* spp.).
 Trailing arbutus (*Epigaea repens*).
 Verbena (*Verbena* spp.).
 Wintergreen (*Gaultheria* spp., *Pyrola* spp.).

*(Issued under § 301.45) [BEPQ 386, 4th rev., Sept. 13, 1937]

RULES AND REGULATIONS

301.45-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Gypsy moth.** The insect known as the gypsy moth (*Portheia dispar*).

(b) **Brown-tail moth.** The insect known as the brown-tail moth (*Nygmia phaeorrhoea*, formerly referred to as *Euproctis chrysorrhoea*).

(c) **Quarantined area.** Any State quarantined by the Secretary of Agriculture upon determination by him that either the gypsy moth or the brown-tail moth, or both, exist therein.

(d) **Regulated area.** The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as regulated to prevent the spread of the gypsy moth or brown-tail moth, or both, therefrom.

(e) **Generally infested area.** The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as generally infested with the gypsy moth.

(f) **Lightly infested area.** The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as lightly infested with the gypsy moth.

(g) **Brown-tail moth infested area.** The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as infested with the brown-tail moth.

(h) **Restricted articles.** (1) Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar)

without roots, known and described as "Christmas trees", and parts thereof, and parts of evergreen decorative plants, such as boxwood, holly, and laurel; (2) forest-plant products, including logs, tanbark, posts, poles, car stakes, railroad ties, cordwood, empty cable reels, and lumber; (3) trees, shrubs, vines, and all plants having persistent woody stems, and parts thereof, excepting seeds and fruit; and (4) stone or quarry products.

(i) **Moved or allowed to be moved interstate.** Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(j) **Inspector.** An inspector of the United States Department of Agriculture.*†

†In §§ 301.45-1 to 301.45-12, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations, 7th rev., supplemental to Notice of Quarantine No. 45, Department of Agriculture, effective Nov. 4, 1935.

301.45-2 Limitation of restrictions to regulated areas. Conditioned upon the State concerned providing for and enforcing such control measures with respect to the regulated areas as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the gypsy moth and the brown-tail moth to other parts of the State, the restrictions provided in the regulations in this subpart on the interstate movement of plants and plant products and other articles enumerated in § 301.45 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*†

301.45-3 Regulated areas; generally and lightly infested areas; brown-tail moth infested area—(a) Regulated areas. The Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the States, counties, townships, towns, plantations, cities, and other political subdivisions listed below, including any cities, towns, boroughs, or other political subdivisions included within their limits.

Connecticut. Counties of Hartford, Middlesex, New London, Tolland, and Windham; towns of Barkamsted, Colebrook, Harwinton, New Hartford, Plymouth, Thomaston, Torrington, and Winchester, in Litchfield County; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in New Haven County.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of and including Magalloway Plantation and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Green-

field, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburg, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of and including Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. Counties of Barnstable, Bristol, Dukes, Essex, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester; all of Franklin County except the town of Monroe.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of and including the towns of Columbia, Errol, Ervings Location, and Millfield.

Rhode Island. The entire State.

Vermont. Counties of Caledonia, Orange, Windham, and Windsor; towns of Landgrove, Peru, Readsboro, Searsburg, and Winhall, in Bennington County; towns of Brunswick, Concord, East Haven, Ferdinand, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; towns of Elmore and Wolcott, in Lamoille County; towns of Chittenden, Clarendon, Ira, Mendon, Mount Holly, Mount Tabor, Pittsfield, Pittsford, Proctor, Rutland, Sherburne, Shrewsbury, Tinmouth, Wallingford, West Rutland, and the city of Rutland, in Rutland County; towns of Barre, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Woodbury, and Worcester, in Washington County.

(b) Division of regulated area. For the purpose of regulating inspection and transportation, the territory designated above is divided into two classes of areas to be known as the "generally infested" and "lightly infested" areas respectively, and part of such regulated area is also designated as "brown-tail moth infested."

(c) Lightly infested area. The following States, counties, townships, towns, plantations, cities, and other political subdivisions, including any cities, towns, boroughs, or other political subdivisions included within their limits, are designated as the lightly infested area:

Connecticut. County of Middlesex; towns of Avon, Berlin, Bristol, Burlington, Farmington, Marlboro, New Britain, Newington, Plainville, Rocky Hill, Southington, and West Hartford, in Hartford County; towns of Colebrook, Harwinton, New Hartford, Plymouth, Thomaston, Torrington, and Winchester, in Litchfield County; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in New Haven County; towns of East Lyme, Lyme, and Old Lyme, in New London County.

Maine. Towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; towns of Amherst, Aurora, Bucksport, Dedham, Eastbrook, Franklin, Gouldsboro, Hancock, Lamoine, Mariaville, Orland, Osborn Plantation, Otis, Penobscot, Sorrento, Sullivan, Trenton, Verona, Waltham, city of Ellsworth, and townships or plantations numbered 7, 8, 9, 10, 16, 22, 28, 32, 33, 34, 39, and 40, in Hancock County; towns of Benton, Clinton, Rome, Unity Plantation, and Vienna, in Kennebec County; towns of Andover, Batchelders Grant, Bethel, Byron, C., C. surplus, Dixfield, Fryeburg Academy Grant, Gilead, Grafton, Hanover, Magalloway Plantation, Mexico, Milton Plantation, Newry, North Andover surplus, Peru, Richardsontown, Riley Grant, Roxbury, Rumford, and Upton, in Oxford County; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charles-ton, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter,

Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of and including Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Brooks, Burnham, Frankfort, Freedom, Jackson, Knox, Monroe, Montville, Morrill, Prospect, Searsmont, Searsport, Stockton Springs, Swanville, Thorndike, Troy, Unity, Waldo, Winterport and the city of Belfast, in Waldo County; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. Towns of Charlemont, Hawley, Heath, and Rowe, in Franklin County; towns of Chester and Tolland, in Hampden County; towns of Cummington, Huntington, Middlefield, Plainfield, and Worthington, in Hampshire County.

New Hampshire. Town of Hart Location, in Carroll County; all that part of Coos County lying south of and including the towns of Columbia, Erroll, Ervings Location, and Millsfield; towns of Bath, Bethlehem, Franconia, Landdaff, Lisbon, Littleton, Lyman, and Monroe, in Grafton County.

Rhode Island. Town of New Shoreham (Block Island), in Newport County.

Vermont. Counties of Caledonia and Orange; towns of Landgrove, Peru, Readsboro, Searsburg, and Winhall, in Bennington County; towns of Brunswick, Concord, East Haven, Ferdinand, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; towns of Elmore and Wolcott, in Lamoille County; towns of Chittenden, Clarendon, Ira, Mendon, Mount Holly, Mount Tabor, Pittsfield, Pittsford, Proctor, Rutland, Sherburne, Shrewsbury, Tinmouth, Wallingford, West Rutland, and the city of Rutland, in Rutland County; towns of Barre, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Woodbury, and Worcester, in Washington County; towns of Athens, Brookline, Dover, Grafton, Halifax, Jamaica, Londonderry, Marlboro, Newfane, Somerset, Stratton, Townshend, Wardsboro, Whitingham, Wilmington, and Windham, in Windham County; all of Windsor County except the towns of Springfield, Weathersfield, and Windsor.

(d) Generally infested area. All parts of the regulated area not designated as lightly infested in paragraph (c) shall comprise the generally infested area.

(e) Brown-tail moth infested area. The following counties, towns, and other political subdivisions, including any cities, boroughs, or other political subdivisions included within their limits, are also infested with the brown-tail moth and are hereby designated as the brown-tail moth infested area.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Chesterville, Farmington, Industry, Jay, New Sharon, and Wilton, in Franklin County; towns of Bar Harbor, Bucksport, Orland, Surry, and Trenton, and the city of Ellsworth, in Hancock County, and all territory west and south of said towns in said county; towns of Albany, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Greenwood, Hartford, Hebron, Hiram, Lovell, Mason, Milton Plantation, Norway, Oxford, Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, and Woodstock, in Oxford County; cities of Bangor and Brewer, and towns of Carmel, Dixmont, Etna, Hampden, Hermon, Newburgh, Orrington, and Plymouth, in Penobscot County; and towns of Canaan, Fairfield, Mercer, Norridgewock, Pittsfield, Skowhegan, Smithfield, and Starks, in Somerset County.

Massachusetts. Counties of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, and Suffolk; towns of Ashburnham, Berlin,

Blackstone, Bolton, Boylston, Clinton, Douglas, Fitchburg, Gardner, Grafton, Harvard, Holden, Hopedale, Lancaster, Leominster, Lunenburg, Mendon, Milford, Millbury, Millville, Northborough, Northbridge, Paxton, Princeton, Royalston, Shrewsbury, Southboro, Sterling, Sutton, Templeton, Upton, Uxbridge, Webster, West Boylston, Westboro, Westminster, and Winchendon, and the city of Worcester, in Worcester County.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all of Carroll County except the town of Jackson; all of Grafton County except the towns of Bethlehem and Littleton.

Vermont. Towns of Barnet and Ryegate, in Caledonia County; towns of Bradford, Fairlee, Newbury, Thetford, and West Fairlee, in Orange County; towns of Brattleboro, Dummerston, Putney, Rockingham, Vernon, and Westminster, in Windham County; towns of Hartford, Hartland, Norwich, Springfield, Weatherford, West Windsor, and Windsor, in Windsor County.*†

301.45-4 Extension or reduction of regulated areas. The regulated areas designated in § 301.45-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.*†

301.45-5 Control of movement of restricted articles—(a) Certification required. Except as otherwise provided in this section or except as exempted by administrative instructions:

No restricted articles as defined in § 301.45a shall be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, nor from the generally infested area to the lightly infested area, unless and until a certificate or permit shall have been issued therefor by an inspector.

(b) Christmas trees and evergreen boughs. Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar) without roots, known and described as "Christmas trees", and parts thereof over 1 foot in length, originating in the generally infested area (unless grown as nursery stock in a cultivated nursery and certified under the provisions of § 301.45-6), shall not be moved or allowed to be moved interstate to any point outside of such area and no certificate or permit will be issued authorizing such movement. Such articles which have originated in the lightly infested area may be shipped interstate from the generally infested area under the inspection and certification prescribed in paragraph (a) hereof.

(c) Shipments from brown-tail moth infested area. Except as provided in paragraph (e) no deciduous trees or shrubs, or such branches or other parts thereof as bear leaves, shall be moved or allowed to be moved interstate from the area designated as infested by the brown-tail moth to any point outside thereof unless and until a certificate or permit shall have been issued therefor by an inspector, except that as to such movement wholly within the generally infested gypsy-moth area or wholly within the lightly infested gypsy-moth area, or from the lightly infested to the generally infested gypsy-moth area, a valid State nursery inspection certificate of the State from

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.45-1.

which the shipment is made may be substituted for such Federal certificate or permit.

(d) Shipments within regulated areas unrestricted. Other than as prescribed in paragraph (c), and in § 301.45-9, no restrictions are placed by the regulations in this subpart on the interstate movement of restricted articles wholly within the generally infested area or wholly within the lightly infested area or from the lightly infested area to the generally infested area.

(e) Cut flowers and greenhouse-grown plants. In the case of woody plants which are grown in the greenhouse throughout the year, the plants themselves and the cut flowers thereof may be shipped interstate without inspection or certification under the regulations in this subpart on condition that each box or package thereof is plainly labeled to show that the contents were greenhouse grown.

(f) Herbaceous plants unrestricted. No restrictions are placed by the regulations in this subpart on the interstate movement of strawberry plants, or of other herbaceous annual or perennial plants or parts thereof.*†

301.45-6 Conditions governing the issuance of certificates—

(a) Application; assembly of articles for inspection. Persons intending to move or allow to be moved restricted articles interstate shall make application therefor as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of the plants or plant products or stone or quarry products it is proposed to move, together with their exact location, and, if practicable, the contemplated date of shipment. Applicants for inspection will be required to assemble or indicate the articles to be shipped so that they can be readily examined by the inspector. If not so placed, inspection will be refused. Articles to be inspected must be free from ice and snow and in condition to make inspection easily practicable.

(b) Nursery-grown stock. With respect to nursery-grown stock, Federal inspection and the issuance of Federal certificates authorizing the interstate movement of nursery products will be conditioned on the presentation of a valid State certificate stating that the nursery in question has been inspected by a State nursery inspector and certifying that it is apparently free from infestation with gypsy and brown-tail moths. Such State certification shall be renewed each year, shall be based on an inspection made as promptly as practicable after the egg-laying period of the gypsy moth, and shall be valid for the purpose of Federal certification, until the following egg-hatching period, except that, pending reinspection, shipments may be inspected and certified for interstate movement on the basis of the State certification of the preceding year. Whenever any nursery or independent unit thereof in the regulated area, or any shipment therefrom, is reported by a State inspector to be appreciably infested with either the gypsy moth or the brown-tail moth, or whenever such infestation is determined by a Federal inspector on his examination of material offered for shipment, further certification for interstate movement from such nursery, or independent unit thereof, will be refused until

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.45-1.

such nursery has been freed from infestation and has been again inspected and certified by the State to be apparently clean. During the larval period of the gypsy moth all nursery stock shall be assembled for the examination of the Federal inspector, and if passed by him as free from any infestation, either by egg masses or wind-blown larvae, it may then be lined up and thoroughly sprayed under the direction of and in manner and method satisfactory to the said inspector, who will certify each shipment as having been thus inspected and treated.

(c) Native trees and shrubs. With respect to living trees and plants not grown in nurseries, inspection and certification for interstate movement will be conditioned upon the presentation of a statement by the applicant indicating the exact source of such trees and plants, and in addition to such statement, if dug on land other than the property of the applicant, a permit from the owner of the said land authorizing such digging, provided such permit is required under the law of the State wherein the land is situated. If the inspection of the trees or plants intended for shipment discloses infestation with either the gypsy moth or brown-tail moth, certification will be refused as to the intended shipment and as to other similar shipments of trees or plants originating on the same property or in the same locality.

(d) Forest products and stone and quarry products. Certificates of inspection authorizing the interstate movement of forest products and stone and quarry products may be issued under either of the following conditions: (1) When the articles to be shipped have actually been inspected and found free from infestation; or (2) when the articles have been disinfected under the supervision of an inspector in such a manner as to eliminate all risk of infestation. With respect to quarries, and with respect to yards or other places where forest products are assembled for shipment, as a condition of inspection and certification, the premises or surroundings of such places shall be cleaned up and kept free from gypsy moth infestation.

(e) Charges for storage, etc. All charges for storage, cartage, and labor incident to inspection or disinfection other than the services of the inspectors shall be paid by the shipper.

(f) Use of certificates. Certificates of inspection will be issued only for plants and plant products and stone or quarry products which are free from infestation by the gypsy moth and the brown-tail moth and have been so determined by an inspector. The use of such certificates in connection with plants and plant products and stone or quarry products which are not in compliance with the regulations in this subpart is unlawful.

(g) Report of certificates. Persons to whom certificates are issued shall report at time of shipment on forms provided for that purpose all their sales or shipments of such articles to points outside the regulated area.*†

301.45-7 Conditions governing the issuance of permits without inspection, and the reporting of shipments. Permits authorizing the interstate movement of restricted articles may be issued (a) when

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.45-1.

such products have been grown, or manufactured, processed, and stored in such a manner that, in the judgment of the inspector, no infestation could be transmitted, and (b) when such products originate outside of the infested areas and, while within the infested area, have been stored and safeguarded in such a manner that, in the judgment of the inspector, no infestation could be transmitted. Permits will be issued only for plants and plant products and stone or quarry products which are not infested with the gypsy moth or brown-tail moth.

Persons to whom permits are issued shall report at time of shipment on forms provided for that purpose all their sales or shipments of such articles to points outside the regulated area.*†

301.45-8 Marking and certification a condition of interstate transportation. (a) Every car, vehicle, box, basket, or other container of the articles listed for which a certificate or permit is required by these regulations shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with the regulations in this subpart. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.*†

301.45-9 Thorough cleaning required of cars, boats, and other vehicles before moving interstate. Cars, boats, and other vehicles which have been used in transporting restricted articles within the regulated areas shall not be moved or allowed to move interstate until the same shall have been thoroughly swept out and cleaned by the carrier at the point of unloading or destination of all litter and rubbish from such regulated articles. No litter, rubbish, or refuse from any such restricted articles shall be moved or allowed to move interstate.*†

301.45-10 Inspection in transit. Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place.*†

301.45-11 Cancellation of certificates and permits. Certificates and permits issued under the regulations in this subpart, may be with-

drawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of the regulations in this subpart or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.*†

301.45-12 Shipments by the United States Department of Agriculture. Articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—HAWAIIAN AND PUERTO RICAN COTTON, COTTONSEED,
AND COTTONSEED PRODUCTS

QUARANTINE

301.47 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that two injurious insects, known as the pink bollworm of cotton (*Pectinophora gossypiella* Saunders) and the cotton blister mite (*Eriophyes gossypii* Banks), new to and not heretofore widely prevalent or distributed within and throughout the United States, exist in the Territories of Hawaii and Puerto Rico, respectively.

The Secretary of Agriculture, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), does hereby quarantine the Territories of Hawaii and Puerto Rico as infested by the pink bollworm and the cotton blister mite, respectively, and, by this notice of quarantine, does order that no cotton, seed or unginned cotton, cottonseed, cottonseed hulls, cakes, meal, or other cottonseed products, except oil, shall be moved from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, except for experimental or scientific purposes by the United States Department of Agriculture, in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto.* [Notice of Quarantine 47, July 31, 1920]

RULES AND REGULATIONS

301.47-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Cotton.** Raw or unmanufactured ginned cotton, either baled or unbaled, including all ginned cotton which has not been woven or spun, or otherwise manufactured, such as all forms of cotton waste,

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.45-1.

including thread waste, card strips, willowed fly, willowed picker, picker or blowings, and chum and cotton waste in any other form or under any other trade designation.

(b) **Seed or unginned cotton.** Cotton as picked from the fields, i. e., prior to being ginned.

(c) **Cottonseed products.** Cottonseed cake, meal, and other cottonseed products, except oil.* [Reg. 1, R. & Regs., July 31, 1920]

301.47-2 Control of cotton, cottonseed, and cottonseed products. The interstate movement of seed cotton, cottonseed, and cottonseed hulls from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States is prohibited.

The interstate movement of cotton, cottonseed cake, meal, and other cottonseed products, except oil, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States will be allowed only under permit issued by the Secretary of Agriculture. Hawaiian and Puerto Rican cotton will be allowed to enter only by all-water route and at the ports of New York, Boston, San Francisco, and Seattle, or other port of arrival designated in the permit, and at such designated port of arrival shall be disinfected and subsequently controlled as is required of cotton imported from foreign countries.

Hawaiian and Puerto Rican cottonseed cake, meal, and other cottonseed products, except oil, will be permitted to enter only at the ports of New York, Boston, San Francisco, and Seattle, or other port of arrival designated in the permit, and under the conditions applying to the same articles imported from foreign countries.

In the case of shipments of either cotton or cottonseed products from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States, the permits and notifications will be handled by the inspectors of the Department of Agriculture at the designated port of arrival without the cooperation of the customs service, which is a necessary requirement in the case of cotton and cottonseed products imported from foreign countries.* [Reg. 2, R. & Regs., July 31, 1920]

CROSS REFERENCES: For rules and regulations governing the importation of cotton into the United States, see §§ 321.102-321.114. For rules and regulations governing the importation of cottonseed, cottonseed cake, meal, and other cottonseed products into the United States, see §§ 321.203-321.208.

SUBPART—JAPANESE BEETLE

QUARANTINE

301.48 Notice of quarantine. Under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing required thereby, the Secretary of Agriculture does hereby quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts,

New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, effective on and after March 1, 1937. Hereafter, under the authority of said Act of August 20, 1912, amended as aforesaid (a) fruits and vegetables; (b) nursery, ornamental, and greenhouse stock, and other plants; and (c) sand, soil, earth, peat, compost, and manure shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: Provided, That the restrictions of this section and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: Provided further, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: And Provided further, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation.* [Notice of Quarantine 48, rev., Mar. 1, 1937]

301.48a Administrative instructions; articles exempted from restriction. In accordance with the third proviso in § 301.48 the following articles, being considered innocuous as carriers of infestation, are exempted from the restrictions of this quarantine and of the rules and regulations supplemental thereto:

- (a) Balsam pillows, when composed of balsam needles only.
- (b) Banana stalks, when crushed, dried, and shredded.
- (c) Dyed moss and dyed sand, when heat treated, and when so labeled on the outside of each container of such materials.
- (d) Floral designs or "set pieces", including wreaths, sprays, casket covers, and all formal florists' designs. Bouquets and cut flowers not so prepared are not exempted.
- (e) Greensand or greensand marl, when treated and so labeled on the outside of each container of such materials.
- (f) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials.
- (g) Manure, peat, compost, or humus (1) when dehydrated and either shredded, ground, pulverized, or compressed, or (2) when treated with crude petroleum or any other product having high

*For statutory citation, see note to § 301.13.

potency as an insecticide, and when so labeled on the outside of each commercial container of such materials, or (3) peat when imported and shipped in the unopened original container and labeled as to each container with the country of origin. (See also item (o).)

(h) Moss, sheet (*Calliergon schriberi*) and (*Thuridium recognitum*).

(i) Mushroom spawn, in brick, flake, or pure culture form.

(j) Orchids, cut.

(k) Orchid plants, when growing exclusively in *Osmunda* fiber.

(l) *Osmunda* fiber, *Osmundine*, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

(m) Resurrection plant or birds'-nest moss (*Selaginella lepidophylla*).

(n) Silica sand or similar material, when processed by crushing, grinding, and dehydrating silica or other rock, and when so labeled on the outside of each container of such material, or when so designated on the waybill accompanying bulk carload shipments of the material.

(o) Sphagnum moss, bog-moss, or peat moss (*Sphagnaceae*) when dried and baled. (See also (g).)

(p) Submerged aquatic plants, including *Cryptocoryne* spp.

Eel-grass or tape-grass (*Vallisneria spiralis*)

False loosestrife (*Ludwigia mulertii*)

Fish grass, Washington plant, or fanwort (*Cabomba caroliniana*)

Hornwort or coon tail (*Ceratophyllum demersum*)

Water milfoil (*Myriophyllum* spp.)

Water weed, ditch-moss, water thyme, or anacharis (*Elodea canadensis*).

*(Issued under § 301.48) [BEPQ 395, rev., Mar. 18, 1938]

RULES AND REGULATIONS

301.48-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Japanese beetle.** The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) **Infested, infestation.** The terms "infested", "infestation", and the like, relate to infestation with the Japanese beetle.

(c) **Quarantined area.** Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) **Regulated area.** Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to § 301.48.

(e) **Fruits and vegetables.** For the list of restricted fruits and vegetables, see § 301.48-5.

(f) **Nursery and ornamental stock.** Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) Sand, soil, earth, peat, compost, and manure. Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) Certified sand, soil, earth, peat, compost, and manure. Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) Certified greenhouse. A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48-6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) Inspector. An inspector of the United States Department of Agriculture.

(k) Moved or allowed to be moved interstate. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.*†

†In §§ 301.48-1 to 301.48-14, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations, 16th rev., supplemental to Notice of Quarantine No. 48, Department of Agriculture, Apr. 6, 1938, effective April 11, 1938.

301.48-2 Limitation of restrictions to regulated areas. Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in the regulations in this subpart on the interstate movement of plants and plant products and other articles enumerated in said section will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*†

301.48-3 Regulated areas. In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; the city of Waterville, in Kennebec County; and the city of Brewer, in Penobscot County.

Maryland. Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in Allegany County; the city of Annapolis and election districts Nos. 3, 4, and 5, in Anne Arundel County; election districts Nos. 1, 2, 3, 9, 11, 12, 13, 14, and 15, and that portion of election district No. 8 lying south of Shawan, Beaver Dam, and Sherwood Roads, in Baltimore County; all of Caroline County except

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.48-1.

election districts of Hillsboro (No. 6), American Corners (No. 8), and Preston (No. 4); the city of Westminster, and election district of Freedom (No. 5), in Carroll County; election districts of White Plains and La Plata, in Charles County; election district of Cambridge (No. 7), in Dorchester County; election districts of Buckeystown (No. 1), Frederick (No. 2), New Market (No. 9), Petersville (No. 12), and Brunswick (No. 25), in Frederick County; County of Harford, except election district of Marshall (No. 4); election districts of Elkridge (No. 1), Ellicott City (No. 2), and West Friendship (No. 3), in Howard County, and the right-of-way of United States Highway No. 1 through the election district of Guilford (No. 6), in said county; all of Prince Georges County except the election districts of Nottingham and Aquasco; that part of Montgomery County located within the established boundaries of the so-called "Washington Suburban Sanitary District"; towns of Easton and Oxford, in Talbot County; election districts of Sharpsburg (No. 1), Williamsport (No. 2), Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Leitersburg (No. 9), Sandy Hook (No. 11), and Halfway (No. 26), in Washington County; election districts of Pittsburg (No. 4), Parsons (No. 5), Dennis (No. 6), Trappe (No. 7), Nutters (No. 8), Salisbury (No. 9), Delmar (No. 11), Camden (No. 13), Willards (No. 14), and Fruitland (No. 16), in Wicomico County.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Rockland, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in Cattaraugus County; towns of Tonawanda, Amherst, and Cheektowaga, and the cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in Herkimer County; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and the Borough of Watkins Glen, in Schuyler County; towns of Caton, Corning, and Hornby, and the city of Corning, in Steuben County; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in Tompkins County; towns of Luzerne and Queensbury and the city of Glens Falls, in Warren County.

Ohio. Counties of Columbiana and Mahoning; townships of Augusta, Brown, and East, in Carroll County; the city of Coshocton, in Coshocton County; the city of Cleveland, in Cuyahoga County; the city of Columbus, in Franklin County; townships of Cross Creek, Island Creek, Knox, Saline, Steubenville, and Wells, and the city of Steubenville, in Jefferson County; the city of Toledo, in Lucas County; townships of Atwater, Brimfield, Charlestown, Deerfield, Edinburg, Franklin, Palmyra, Paris, Randolph, Ravenna, Rootstown, and Suffield, in Portage County; all of Stark County, except the townships of Lawrence, Sugar Creek, and Tuscarawas; and the townships of Bath, Copley, Coventry, Franklin, Green, Northampton, Norton, Portage, Springfield, Stow, and Tallmadge, and the cities of Akron, Barberton, and Cuyahoga Falls, in Summit County.

Pennsylvania. The entire State, except Crawford, Erie, Forest, Mercer, and Venango Counties; Mercer Township in Butler County; Ashland, Beaver, Elk, Richland (including the boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in Clarion County, and townships of Brokenstraw, Cherry Grove, Columbus, Conewango, Deerfield, Eldred, Farmington, Freehold, Limestone, Pine Grove, Pittsfield, Pleasant, Southwest, Spring Creek, Sugar Grove, Triumph, Watson (including the boroughs of Bear Lake, Grand Valley, Sugar Grove, Tidioute, and Youngsville), in Warren County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Dale and Manchester, in Chesterfield County; magisterial district of Sleepy Hole, in Nansemond County; Camp Stuart, in Warwick County; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

West Virginia. Counties of Hancock, Harrison, Marion, Monongalia, and Taylor; districts of Hedgesville, Falling Waters, and Opequon, in Berkeley County; the towns of Bolivar and Harpers Ferry, in Jefferson County; town of Keyser and district of Frankfort, in Mineral County; the city of Wheeling, in Ohio County; and the city of Parkersburg, in Wood County.*†

301.48-4 Extension or reduction of regulated areas. The regulated areas designated in § 301.48-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.*†

301.48-5 Restrictions on the movement of fruits and vegetables—(a) Control of movement. Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in subparagraphs (1)–(5) of this paragraph: (i) No green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (ii) no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the State, District, counties, election districts, or city listed below to or through any point outside of the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; all of Caroline County except election districts of Hillsboro (No. 6), American Corners (No. 8), and Preston (No. 4); election district of Cambridge (No. 7), in Dorchester County; and election districts of Pittsburg (No. 4), Parsons (No. 5), Dennis (No. 6), Trappe (No. 7), Nutters (No. 8), Salisbury (No. 9), Delmar (No. 11), Camden (No. 13), Willards (No. 14), and Fruitland (No. 16), in Wicomico County.

New Jersey. Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia.

Virginia. Counties of Accomac, Arlington, and Northampton.

Provided, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.48-1.

(1) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(2) No certificate will be required for the interstate movement of fruits and vegetables on a through bill of lading either from an area not under regulation through a regulated area to another non-regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Brewer and Waterville, Maine; Buffalo, N. Y., or to the other regulated parts of Erie County, N. Y.; Cleveland, Columbus, Coshocton, and Toledo, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions are placed on the interstate movement of fruits and vegetables from Brewer and Waterville, Maine; Buffalo, N. Y., or from other parts of Erie County, N. Y.; Cleveland, Columbus, Coshocton, and Toledo, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

(3) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(4) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment or of bananas other than in entire bunches or in clusters of 25 or more.

(5) No restrictions are placed on the interstate movement of commercially packed apples in any quantity, except those moving via refrigerator cars or motor vehicles from the State, District, counties, election districts, or city listed in paragraph (a) (ii) of this section.

(b) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

(c) Conditions of certification. Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruit and vegetables, moving from a point in the regulated area other than the State, District, counties, election districts, or city listed in paragraph (a) (ii) of this section, or moving from such designated State, District, counties, election districts, or city other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of

such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the supervision of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables other than onions and potatoes, moving via refrigerator car from the State, District, counties, election districts, or city listed in paragraph (a) (ii) of this section, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between cleaning and loading such refrigerator car must be tightly closed and sealed.

(6) When the onions or potatoes moving via refrigerator car from the State, District, counties, election districts, or city listed in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.*†

301.48-6 Restrictions on the movement of nursery and ornamental stock—(a) Control of movement. Nursery and ornamental stock as defined in § 301.48-1, shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, are exempt from the requirement of certification, except that this exemption does not apply to dahlia tubers.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.48-1.

reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches and twigs of trees and shrubs, scions, Christmas trees, holly, laurel, and sphagnum moss).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) Conditions governing the issuance of certificates and permits. For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) Class I. Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of subparagraph (6) of this paragraph, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) Class III. (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III. Such classification also may be given to nurseries, etc., in localities known to be generally infested where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties, under single ownership and management, but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: Provided, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with subparagraphs (3) and (6) of this paragraph, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (a) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (b) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (c) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (a) shall be potted in certified soil; (b) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (c) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (d) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation.

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (ii) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; and (iii) shall also report immediately in writing all purchases or receipts of such articles secured from within the regulated area. Nurserymen, florists, dealers, and others whose premises are classified as class III shall, in addition, report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under the regulations in this section when such stock has been inspected by an inspector and found free from infestation.

(8) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and when found advisable by the inspector, after reinspection and determination of freedom from infestation.*†

301.48-7 Restrictions on the movement of sand, soil, earth, peat, compost, and manure—(a) Control of movement. Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) sand for construction purposes, silica sand, greensand, marl, "bird

sand", "bird gravel", and pottery clay, when free from vegetable matter; (ii) such other sands as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, Provided That each container of such article shall be labeled on the outside thereof as to nature of contents, except that in case of bulk shipments such label shall accompany the waybill or other shipping papers; and (iii) ground, dried, imported peat in packages of 5 pounds or less to the package.

(2) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(3) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) Conditions of certification. Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (1), (2), or (3).*†

301.48-8 Conditions governing the protection of restricted articles from infestation while in transit. Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened,

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.48-1.

covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.*†

301.48-9 Marking and certification a condition of interstate transportation. (a) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in §§ 301.48-5 to 301.48-7, inclusive, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with the regulations in this subpart. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.*†

301.48-10 General conditions governing inspection and issuance of certificates and permits. (a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in §§ 301.48-5 to 301.48-7, inclusive, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area except that

permits issued for the movement of fruits and vegetables from the State, District, counties, election districts, or city listed in § 301.48-5 (a) (ii), shall be limited to green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries. Fruits and vegetables other than the above-named commodities may be moved from the State, District, counties, election districts, or city listed in § 301.48-5 (a) (ii), only under certification.*†

301.48-11 Cancellation of certificates. Certificates issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of the regulations in this subpart or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.*†

301.48-12 Inspection in transit. Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place.*†

301.48-13 Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate. Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by the regulations in this subpart within the regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at the point of unloading or destination.*†

301.48-14 Shipments by the United States Department of Agriculture. Articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—MOVEMENT OF SUGARCANE, CORN, COTTON, ALFALFA, AND FRUITS OF AVOCADO AND PAPAYA FROM THE UNITED STATES TO HAWAII

QUARANTINE

301.51 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that there exist in the United States injurious insects, especially the sugarcane

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.48-1.

borer (*Diatraea saccharalis* Fab.), the alfalfa weevil (*Hypera postica* Gyll.), the cotton-boll weevil (*Anthonomus grandis* Boh.), the papaya fruitfly (*Toxotrypana curvicauda* Guerst.), and certain insect enemies of the fruit of the avocado, new to and not heretofore widely prevalent or distributed within and throughout the Territory of Hawaii, and that they may be introduced into the Territory of Hawaii by means of sugarcane, corn, cotton and alfalfa plants or parts thereof, and also the fruits of the avocado and papaya carried by passengers and crews of coastwise ships or vessels, either as baggage or otherwise, and also as ships' stores.

The Secretary of Agriculture, under authority conferred by section 8 of the Act of Congress approved August 20, 1912, known as the Plant Quarantine Act, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), does hereby declare that it is necessary, in order to prevent the introduction of the above-mentioned insects, to prohibit the movement from the United States to the Territory of Hawaii by passengers and crews of coastwise ships or vessels, either as baggage or otherwise, or as ships' stores, of sugarcane, corn (other than shelled corn), cotton and alfalfa plants or parts thereof, and the fruits of the avocado and papaya in the natural or raw state, except in manner or method or under conditions prescribed in the regulations hereinafter made and amendments thereto.* [Notice of Quarantine 51, July 22, 1921]

RULES AND REGULATIONS

301.51-1 Definition. For the purpose of the regulations in this subpart the term "plants and plant products" shall be construed to include all the articles enumerated in § 301.51, namely, sugarcane, corn, cotton and alfalfa plants or parts thereof, and the fruit of the avocado and papaya.*†

†In §§ 301.51-1 to 301.51-7, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations supplemental to Notice of Quarantine No. 51, Department of Agriculture, July 22, 1921, effective Oct. 1, 1921.

301.51-2 Commercial shipments of plants and plant products unrestricted by this quarantine. The restrictions under § 301.51 shall not apply to commercial shipments of the plants and plant products enumerated therein.*†

301.51-3 Restrictions on movement of plants and plant products as ships' stores or in possession of crews or passengers. The movement to and into the Territory of Hawaii of the plants and plant products covered by § 301.51 as ships' stores or by passengers or crews on coastwise ships or vessels en route from the United States is prohibited: Provided, That this prohibition shall not restrict the movement and use of such plants and plant products as ships' stores or by passengers or crews, in transit, prior to the arrival of the ships at Hawaii; but, before such ships arrive at the docks

at any port within the Territory of Hawaii, any such plants or plant products remaining must be entirely consumed or removed from such ships and such disinfection shall be made as shall be required by an inspector of the United States Department of Agriculture.*†

301.51-4 Inspection of vessels. Inspectors of the United States Department of Agriculture are authorized to enter upon ships or vessels from the United States at any time after they come within the boundaries of the Territory of Hawaii, whether at quarantine off port, in the stream, or at the dock, wharf, or mole, for the purpose of ascertaining by inspection whether any of the fruits, vegetables, or other articles covered by § 301.51 are contained in such ships or vessels either as baggage, ships' stores, or in possession of the crews, or whether there remains any infestation from such fruits, vegetables, or other articles; and authority for such inspection shall extend to the personal belongings of passengers and crews.*†

301.51-5 Disinfection of vessels and contents. Any ship or vessel found to contain or to be infested from any of the fruits, vegetables, or other articles covered by § 301.51, and all articles that have been in contact with such fruits, vegetables, or other articles, shall be immediately disinfected before such ship or vessel arrives at the docks at any port within the Territory of Hawaii, and before unloading any of its cargo, in the manner prescribed by an inspector of the United States Department of Agriculture.

When such ship or vessel has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession of such ship or vessel a certificate evidencing such disinfection, which shall permit the unloading of the cargo, so far as the jurisdiction of the Secretary of Agriculture is concerned.*†

301.51-6 Posting of warning notice and distribution of baggage declaration. Every person or company owning or controlling any dock, yard, or other harbor in the United States from which ships or vessels sail for ports in the Territory of Hawaii, and every master, captain, or other person in charge or possession of any ship or vessel sailing from the United States destined to a port in the Territory of Hawaii, shall, respectively, post in one or more conspicuous places, and keep posted at all times in one or more conspicuous places, on or in said dock, yard, or other harbor, or in such ship or vessel, and in at least three places—the cabin, the steerage, and crew's quarters in such ship or vessel—a copy of the warning notice printed on the reverse side of the baggage declaration.

Before any ship or vessel from the United States arrives within the boundaries of the Territory of Hawaii the master, captain, or other person having charge or possession of any ship or vessel shall cause to be distributed to each passenger thereon a baggage declaration, to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, § 301.51, and the regulations in this subpart. These baggage dec-

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.51-1.

larations, after being signed by the passengers, shall be collected and delivered by the purser to the inspector of the United States Department of Agriculture on arrival at quarantine.*†

301.51-7 Importations by Department of Agriculture permitted. Section 301.51 and §§ 301.51-1 to 301.51-6, inclusive, shall not apply to importations of fruits, vegetables, and other articles enumerated made by the United States Department of Agriculture for experimental or scientific purposes.*†

SUBPART—PINK BOLLWORM

QUARANTINE

301.52 Notice of quarantine. Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having given the public hearing as required thereby, the Secretary of Agriculture does hereby quarantine the States of Arizona, New Mexico, and Texas, effective on and after October 14, 1936. Hereafter, under the authority of said Act of August 20, 1912, amended as aforesaid, (a) cotton, wild cotton, including all parts of either cotton or wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (b) bagging and other containers and wrappers of cotton and cotton products; (c) railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are fouled with such products; (d) hay and other farm products; and (e) farm household goods, farm equipment, and, if contaminated with cotton, any other articles, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the States of Arizona, New Mexico, or Texas, into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: Provided, That the restrictions of this section and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may be hereafter, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the pink bollworm: Provided further, That such limitation shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the pink bollworm therefrom to other parts of the State.* [Notice of Quarantine 52, rev., Oct. 13, 1936]

RULES AND REGULATIONS

301.52-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Pink bollworm.** The insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saunders), in any stage of development.

(b) **Cotton and cotton products.** Cotton, wild cotton, including all parts of cotton or wild cotton plants (plants of any species of the genera *Gossypium* and *Thurberia*); seed cotton; cotton lint and linters, including all forms of unmanufactured cotton fiber; gin waste; cottonseed; cottonseed hulls, cake, and meal.

(c) **Lint.** All forms of unmanufactured fiber produced from seed cotton.

(d) **Linters.** All forms of unmanufactured fiber produced from cottonseed.

(e) **Sterilized seed.** Cottonseed which has been sterilized as a part of the continuous process of ginning at a temperature of not less than 145° F. in an approved plant, under the supervision of an inspector, for such a period and in such manner and method as is authorized by the Bureau of Entomology and Plant Quarantine.

(f) **Inspector.** An inspector of the United States Department of Agriculture.

(g) **Moved or allowed to be moved interstate.** Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.*†

†In §§ 301.52-1 to 301.52-16, inclusive, (except for the amendment noted in the text,) the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 52, Department of Agriculture, Oct. 13, 1936, effective Oct. 14, 1936.

301.52-2 Limitation of restrictions to regulated areas. Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.52, the restrictions provided for in the regulations in this subpart on the interstate movement of the articles enumerated in said section will be limited to such articles moving from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas: Provided, That restricted articles may be moved interstate without permit from an area not under regulation through a regulated area when such movement is on a through bill of lading.*†

301.52-3 Regulated areas; heavily and lightly infested areas—

(a) **Regulated areas.** In accordance with the provisos to § 301.52, the Secretary of Agriculture designates as regulated areas, for the purpose of the regulations in this subpart, the following counties in

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.52-1.

Arizona, New Mexico, and Texas, including all cities, districts, towns, townships, and other political subdivisions within their limits:

Arizona area. Counties of Cochise, Graham, Greenlee, and Santa Cruz, all of Pima County except that part lying west of the western boundary line of range 8 east, and all of Pinal County except that part lying north of the northern boundary line of township 5 south, and west of State highways 87 and 187.

New Mexico area. Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

Texas area. Counties of Andrews, Brewster, Cameron, Cochran, Crane, Culberson, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Hudspeth, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reeves, Starr, Terrell, Terry, Upton, Ward, Willacy, Winkler, and Yoakum; that part of Bailey County lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. and B. survey to the western boundary of said county; that part of Lamb County lying south of the following-described boundary line: beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.

(b) Heavily infested areas. Of the regulated areas, the following counties and parts of counties are hereby designated as heavily infested within the meaning of the regulations in this subpart:

Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, in the State of Texas, and all of Hudspeth County in the same State except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

(c) Lightly infested areas. The following areas are designated as lightly infested:

The counties of Cochise, Graham, Greenlee, and Santa Cruz, and the regulated parts of Pima and Pinal Counties in Arizona;¹ the counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia in New Mexico; the entire counties of Andrews, Cameron, Cochran, Crane, Dawson, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Loving, Martin, Midland, Pecos, Reeves, Starr, Terry, Upton, Ward, Willacy, Winkler, and Yoakum, the regulated parts of Bailey and Lamb Counties in Texas, and that part of the northwest corner of Hudspeth County, Tex., lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the

¹Part of the lightly infested area in Arizona is regulated on account of the *Thurberia weevil* under Quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine. (See § 301.61-3.)

town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.*

[Reg. 3, R. & Regs., as amended, Dec. 29, 1937]

301.52-4 Extension or reduction of regulated areas. The regulated areas designated in § 301.52-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the State in which such areas are located and by publication in newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.*†

301.52-5 Stalks, bolls, gin waste, etc. Stalks, bolls, and other parts of cotton or wild cotton plants (plants of any species of the genera *Gossypium* or *Thurberia*), and gin waste shall not be moved or allowed to be moved interstate from a regulated area, except that gin waste may be moved interstate without permit from a gin in a lightly infested area² to farms in another regulated area within the contiguous ginning territory thereof on condition that in the judgment of the inspector such movement would not, owing to the arrival of freezing weather, increase the risk of spread of the pink bollworm.*†

301.52-6 Seed cotton. Seed cotton (including grabbots) shall not be moved or allowed to be moved interstate from regulated areas to nonregulated territory, but for the purpose of ginning, seed cotton may be moved³ interstate without permit from a lightly infested area to a contiguous regulated area.*†

301.52-7 Cottonseed—(a) Heavily infested areas. Cottonseed produced within a heavily infested area shall not be moved or allowed to be moved interstate from that area, and no permit will be issued for such movement.

(b) Lightly infested areas. Cottonseed produced in a lightly infested area shall not be moved or allowed to be moved interstate therefrom unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement of sterilized seed produced in a lightly infested area on condition that it either is to be moved to another regulated area² without passing through any territory not regulated under § 301.52 or under § 301.61, or is a sample to be moved to an approved laboratory in nonregulated territory for analysis, or is a sample to be moved for some other approved purpose.

Permits may also be issued for the interstate movement of sterilized seed produced in a lightly infested area to an authorized oil

² Except from the area in Arizona regulated on account of the *Thurberia* weevil (Quarantine No. 61). (See § 301.61.)

³ Except from the area in Arizona regulated on account of the *Thurberia* weevil (§ 301.61-3).

mill in nonregulated territory for crushing. As one of the conditions for such authorization oil mills in nonregulated territory must agree to maintain such safeguards against the spread of infestation and to comply with such restrictions on the subsequent movement of the linters and other products manufactured from the seed concerned as may be required by the Bureau of Entomology and Plant Quarantine.

Permits may be issued for the interstate movement of seed from lightly infested areas to any destination on condition that it has been given a special heat treatment at 145° F., maintained under approved conditions for a period of at least 1 hour and subsequently has been protected from contamination or has been given such other treatment as may later be approved by the Bureau of Entomology and Plant Quarantine.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of cottonseed from lightly infested areas on such conditions as may be prescribed by that Bureau.

(c) Cottonseed produced outside the regulated areas. Cottonseed produced outside of but brought within a regulated area may be moved interstate from such area under permit on condition that while in the area the seed has been protected from contamination in a manner satisfactory to the inspector.*†

301.52-7a Administrative instructions; approval of alternative treatments for cottonseed as a condition for interstate movement from areas lightly infested with the pink bollworm. Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine under § 301.52-7, which provides that permits may be issued for the interstate movement of cottonseed from areas lightly infested with the pink bollworm on such conditions as may be prescribed by that Bureau, the Bureau hereby approves either of the following alternative treatments and permits may be issued for the interstate movement from lightly infested areas to any destination of cottonseed so treated:

When the cottonseed has been given a special heat treatment at 145° F. maintained under approved conditions for a period of thirty (30) minutes, or has been heated to a temperature of 155° F. in an approved manner separate and apart from ginning operations, and subsequent to either treatment has been protected from contamination to the satisfaction of the inspector.* (Issued under § 301.52-7) [BEPQ 459, July 27, 1937]

301.52-8 Lint and samples. Lint and samples thereof shall not be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement of lint or samples thereof, produced in a regulated area, on condition that the said lint was produced in a gin operated, as to seed sterilization and

the prevention of contamination, to the satisfaction of the inspector, and on compliance with the following additional requirements which shall be carried out under the supervision of an inspector and in manner and by method approved by the Bureau of Entomology and Plant Quarantine:

Baled lint produced in a heavily infested area (regardless of destination) must be given both vacuum fumigation and either compression or roller treatment, unless and until the said Bureau shall approve some other treatment or treatments for the purpose; baled lint produced in a lightly infested area to be moved to nonregulated territory must be either fumigated under vacuum, or compressed, or roller treated, or given such other treatment as may later be approved by the said Bureau; baled lint and samples thereof produced in a lightly infested area may be moved interstate under permit to another regulated area⁴ without fumigation or other treatment on condition that the material will not pass through any cotton-growing territory outside the areas regulated under § 301.52 or § 301.61; samples (except when moved as above from a lightly infested area to another regulated area), whether produced in a lightly infested or heavily infested area, must be either fumigated, inspected, or otherwise treated as may be required by the inspector.

Permits may be issued for the interstate movement of baled lint or samples thereof grown outside of but brought within a regulated area and to be moved therefrom, on the furnishing of evidence satisfactory to the inspector that the said materials have been protected from contamination.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of lint from the regulated areas on such conditions as may be prescribed by that Bureau.*†

301.52-8a Administrative instructions; treatment requirements removed as a condition for interstate shipment of baled lint and linters, and products thereof, from certain specified pink bollworm lightly infested areas of New Mexico and Texas. In accordance with the authorizations contained in §§ 301.52-8-301.52-10, on account of the pink bollworm, notice is hereby given that baled cotton lint, baled cotton linters, and products thereof, from all of Lea and Roosevelt Counties of the pink bollworm regulated area in New Mexico and from that part of the pink bollworm regulated area in Texas comprising the counties of Andrews, Cochran, Dawson, Ector, Gaines, Glasscock, Hockley, Howard, Martin, Midland, Terry, and Yoakum, and those parts of the counties of Bailey and Lamb particularly described in § 301.52-3, may be moved interstate without restriction other than that a permit issued by the United States Department of Agriculture must be secured and at-

⁴ See footnote 2 on page 43.

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.52-1.

tached to the articles or shipping papers in accordance with the methods prescribed in § 301.52-15.* (Issued under § 301.52-8) [BEPQ 414, rev., May 27, 1937]

301.52-9 Linters and samples. Linters and samples thereof shall not be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement of linters or samples thereof, produced in a regulated area on condition that said linters were produced from sterilized seed and protected from contamination to the satisfaction of the inspector, and on compliance with the following additional requirements which shall be carried out under the the supervision of an inspector and in manner and by method approved by the Bureau of Entomology and Plant Quarantine:

Baled linters produced in a heavily infested area (regardless of destination) must be either fumigated under vacuum or roller treated, or given such other treatment as may later be approved by the said Bureau; baled linters produced in a lightly infested area to be shipped to nonregulated territory must be either fumigated under vacuum, or compressed, or roller treated, or given such other treatment as may later be approved by the said Bureau; baled linters and samples thereof produced in a lightly infested area may be shipped interstate under permit to another regulated area⁴ without fumigation or other treatment on condition that the material will not pass through any cotton-growing territory outside the areas regulated under § 301.52 or § 301.61; samples (except when moved as above from a lightly infested area to another regulated area), whether produced in a lightly infested or heavily infested area, must be either fumigated, inspected, or otherwise treated as may be required by the inspector.

Permits may be issued for the interstate movement of baled linters or samples thereof grown outside of but brought within a regulated area and to be moved therefrom on the furnishing of evidence satisfactory to the inspector that such materials have been protected from contamination.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of linters from the regulated areas on such conditions as may be prescribed by that Bureau.*†

301.52-9a Administrative instructions; approval of alternative treatment for the interstate movement of baled cotton linters ginned from cottonseed produced in areas lightly infested with the pink bollworm. Pursuant to authority vested in the Bureau of

⁴ See footnote 2 on page 43.

Entomology and Plant Quarantine under § 301.52-9, which provides that baled linters produced in a lightly infested area to be shipped interstate to nonregulated territory must be either fumigated under vacuum, or compressed, or roller treated, or given such other treatment as may later be approved by the said Bureau, the Bureau hereby approves the following alternative treatment:

Permits may be issued for the interstate movement of baled cotton linters ginned from cottonseed grown in a regulated area lightly infested with the pink bollworm when such linters are produced from seed which has been heated to a temperature of at least 155° F. in approved apparatus under the supervision of an inspector and subsequently handled so as to prevent contamination. Such treatment shall be given separate and apart from ginning operations and removed from other contaminated cotton products.* (Issued under § 301.52-9) [BEPQ 450, May 27, 1937]

301.52-10 Mill waste, unbaled lint and linters, and other forms of unmanufactured lint and linters. No form of cotton lint, linters, or fiber shall be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no permit is required for the interstate transportation of materials which have been woven or spun from cotton lint or linters and are uncontaminated with other cotton or cotton products, nor for the interstate transportation of mattresses, pillows, cushions, or upholstery which have been commercially manufactured in compliance with the pink bollworm regulations of the State concerned and in which any unwoven lint or linters used are completely enclosed in the finished product.

Permits may be issued authorizing the interstate movement from a regulated area of mill waste and of all other forms of unmanufactured cotton fiber for which permits are required under the regulations in this subpart and which are not specifically covered in §§ 301.52-8, 301.52-9, on condition that the material has been fumigated and compressed or roller treated, or has been given such other treatment or handling as will, in the judgment of the Bureau of Entomology and Plant Quarantine, eliminate risk of spread of the pink bollworm.*†

301.52-11 Cottonseed hulls, cake, and meal. No cottonseed hulls, cake, or meal shall be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement from a heavily infested area to any destination of cottonseed hulls obtained from sterilized cottonseed and subsequently protected from contamination to the satisfaction of the inspector on condition that they are given such additional treatment as may be required by the inspector. Permits may be issued for the interstate movement from a lightly infested area⁴ of cottonseed hulls produced from sterilized cottonseed

⁴ See footnote 2 on page 43.

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.52-1.

and subsequently protected from contamination to the satisfaction of the inspector on condition that they are either to be moved to another regulated area without passing through any territory not regulated under § 301.52 or under § 301.61, or are to be moved to nonregulated territory and have been given such additional treatment as may be required by the inspector.

Permits may be issued for the interstate movement from a regulated area to any destination of cottonseed cake and meal produced either from sterilized cottonseed or from cottonseed obtained from nonregulated territory on condition that the cake and meal have been protected against subsequent contamination with cottonseed to the satisfaction of the inspector.*†

301.52-12 Bagging and other wrappers and containers. Bagging and other wrappers and containers which have been used in connection with or which are contaminated with cotton or cotton products shall not be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture. Permits may be issued on condition that such bagging or other wrappers or containers have been cleaned or treated to the satisfaction of the inspector.*†

301.52-13 Cars, boats, vehicles, household goods, and equipment. Railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are fouled with such products, and farm household goods, farm equipment, and other articles, if contaminated with cotton or cotton products, shall not be moved or allowed to be moved interstate from a regulated area until they have been thoroughly cleaned or treated to the satisfaction of the inspector. No permit is required for the movements allowed under this section.*†

301.52-14 Hay and other farm products; cottonseed oil. Hay and other farm products, the interstate movement of which has not been specifically restricted or provided for elsewhere in the regulations in this subpart, and cottonseed oil, may be moved interstate without permit or other restriction until further notice.*†

301.52-15 General permit provisions; marking and labeling; storage, cartage, and labor costs. To obtain permits under the regulations in this subpart, application should be made either to the nearest local inspector, or to the Bureau of Entomology and Plant Quarantine, 571 Federal Building, San Antonio, Tex.

Permits may specify a destination point or a limited destination area for the shipment, and, in that event, the material concerned shall not be moved or allowed to be moved interstate, directly or indirectly, to destinations other than those specified in such permit.

Copies of the permits required under the regulations in this subpart shall be attached to the articles or to the waybills or other shipping papers which accompany the shipment. In the case of movement by a road vehicle, copies of the permit shall accompany the vehicle. The products or articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

All charges for storage, cartage, and labor, incident to inspection, other than the services of inspectors, shall be paid by the shipper.*†

301.52-16 Shipments by the United States Department of Agriculture. Products and articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—HAWAIIAN AND PUERTO RICAN FRUITS AND
VEGETABLES
QUARANTINE

301.58 Notice of quarantine. Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), the Secretary of Agriculture does hereby quarantine the Territory of Puerto Rico, effective on and after July 1, 1925. Hereafter, as provided in the said Act of August 20, 1912, amended as aforesaid, fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the Territory of Puerto Rico into or through any other State or Territory or District of the United States, in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto and in amendments thereof.

This section leaves in full effect § 301.30, which prohibits the movement from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States of all varieties of sweetpotatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.).* [Notice of Quarantine 58, May 27, 1925]

RULES AND REGULATIONS

301.58-1 Definitions—(a) Fresh fruits and vegetables. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) Plants or portions of plants. Leaves, twigs, or other portions of plants, or plant litter or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) Inspector. An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.*††

†In §§ 301.58-1 to 301.58-12, inclusive, (except for the amendment noted in the text,) the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations supplemental to Notice of Quarantine No. 58, on account of certain injurious insects, including the West Indian fruit fly and the bean pod borer in Puerto Rico, Department of Agriculture, May 27, 1925, effective July 1, 1925.

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.52-1.

301.58-2 Fruits and vegetables prohibited. No fruits or vegetables whatsoever, in the natural or raw state, except as provided in § 301.58-3, or amendments thereto, shall be moved from the Territory of Puerto Rico into or through any other State, Territory, or District of the United States.*†

301.58-3 Fruits and vegetables permitted entry under inspection and certification. Subject to the conditions and limitations noted, the following fruits and vegetables may be moved or allowed to be moved from the Territory of Puerto Rico into or through any other State, Territory, or District of the United States when such fruits or vegetables are free from leaves, twigs, or other portions of plants or plant litter or rubbish and have been inspected by an inspector of the United States Department of Agriculture and certified to be free from injurious insect infestation, including the West Indian fruit fly and the bean pod borer, and are marked in compliance with the regulations: Provided, That other fruits and vegetables may be certified for movement to the mainland when it can be shown to the satisfaction of the Department of Agriculture that such fruits and vegetables, in the form and manner in which they are to be shipped, are not and cannot be a means of conveying injurious insects, including the West Indian fruit fly or the bean pod borer.

Allium spp. (onion, garlic, leek)	Kudzu
Arrowroot (Maranta arundinacea)	Leren—sweet corn root (Calathea allouia)
Artichoke (Jerusalem) (Helianthus tuberosus)	Lettuce
Artocarpus spp. (breadfruit, jackfruit)	Melon (cantaloupe, muskmelon, watermelon, casaba, honeydew)
Asparagus	Mustard greens
Avocado	Parsley
Balsam-pear	Parsnip
Banana	Pea (in pod)
Bean (faba, string, Lima) [*]	Pepper (Capsicum sp.)
Beet (including Swiss chard)	Pigeon pea (gandule) [*]
Brassica oleracea (cabbage, cauliflower, Brussels sprouts, etc.)	Pineapple
Cacao bean pod	Plantain
Carrot	Potato
Cassava root (yuca)	Pumpkin
Celery	Radish
Chayote	Rhubarb
Cichorium (endive, chicory)	Rutabaga
Citrus fruits (citron, orange, lemon, lime, grapefruit, etc.)	Spinach
Corn, sweet (Zea mays)	Squash or calabaza
Cucumber, including Angolo cucumber (Sicania odorifera)	Strawberry
Dasheen—malanga, taro (Colocasia or Caladium spp.)	Tamarind bean pod
Eggplant	Tomato
Fennel	Turnip
Genip (quenepa, Melicocca bijuga)	Vegetable marrow
Ginger root	Watercress
	Waterlily root
	Yautia—tanier (Xanthosoma spp.)

*[Reg. 3, R. & Regs., as amended Dec. 13, 1932]

^{*} Shelled beans and pigeon peas are admitted at all ports throughout the year; if in pods, at the port of New York only and during the season November to March, inclusive.

301.58-4 Application for inspection. Persons intending to move any of the fruits or vegetables listed under § 301.58-3 from the Territory of Puerto Rico into or through any other State, Territory, or District of the United States shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application should show the quantity of the fruits or vegetables which it is proposed to move, together with their exact location and the contemplated date of shipment.

Blanks on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine.*†

301.58-5 Certification of shipments. Fruits and vegetables listed under § 301.58-3 shall not be moved from the Territory of Puerto Rico into or through any other State, Territory, or District of the United States, by boats or otherwise, unless each shipment is accompanied by a certificate issued by an inspector of the United States Department of Agriculture showing that such fruits or vegetables have been inspected by said Department and pronounced free from injurious insect infestation, including the West Indian fruit fly and the bean pod borer. The inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

The inspection certificate will not be issued until an authorized representative of the Bureau of Entomology and Plant Quarantine shall have determined, by adequate inspection, that the fruits or vegetables are packed under conditions which would preclude any possibility of accidental contamination by injurious insects, including the West Indian fruit fly and the bean pod borer.

Certificates of inspection will be issued only for fruits or vegetables which have been actually inspected by the United States Department of Agriculture, and the use of such certificates in connection with fruits or vegetables which have not been so inspected is prohibited.

Inspection and certification required by the regulations in this subpart will be furnished without payment of fees or charges of any nature. Applicants for inspection will be required to place the fruits or vegetables to be inspected so that they can be readily examined. If not so placed, inspection will be refused.*†

301.58-6 Marking of containers. No fruits or vegetables listed under § 301.58-3 shall be moved from the Territory of Puerto Rico into or through any other State, Territory, or District of the United States unless the crate, box, bale, or other container thereof be so marked that it may be identified at the port of first arrival. The containers or wrappers shall be new or such as are approved by the inspector of the United States Department of Agriculture.*†

301.58-7 Quarantined fruits and vegetables as ships' stores or in possession of crew or passengers. No restriction is placed on the movement of the fruits or vegetables covered by § 301.58 as ships' stores or by passengers and crews on ships or vessels plying between Puerto Rico and any State, Territory, or District of the United States

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.58-1.

other than Puerto Rico, except that such fruits or vegetables will be subject to such inspection as may be deemed necessary by an inspector of the Department of Agriculture at the port of first arrival and to the provisions of § 352.8 of the rules and regulations governing (a) entry for immediate export, (b) entry for immediate transportation and exportation in bond, and (c) safeguarding the arrival at a port where entry or landing is not intended of prohibited plants and plant products.*†

301.58-8 Inspection of vessels. Inspectors of the United States Department of Agriculture are authorized to enter upon ships or vessels from Puerto Rico at any time after they come within the territorial waters of any State, Territory, or District of the United States other than Puerto Rico, whether in the stream or at the dock, wharf, or mole, for the purpose of ascertaining by inspection whether any of the fruits or vegetables covered by § 301.58 are contained in such ships or vessels as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.*†

301.58-9 Disinfection of vessels. Disinfection under the direction of and in the manner prescribed by the inspector of the United States Department of Agriculture of any ship or vessel upon arrival at the dock, wharf, or mole may be required if the ship or vessel is found to contain or to be contaminated with any of the fruits or vegetables infested with injurious insects covered in § 301.58. When such ship or vessel has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the persons having charge or possession of such ship or vessel a certificate evidencing such disinfection.*†

301.58-10 Inspection of baggage and cargo on the dock. Inspectors of the United States Department of Agriculture are authorized to ascertain by inspection whether any of the fruits or vegetables covered by § 301.58 are contained in the baggage or other personal belongings of passengers and members of the crew on ships or vessels plying between Puerto Rico and any State, Territory, or District of the United States other than Puerto Rico, such baggage inspection to be made on the dock at the first port of arrival within any State, Territory, or District of the United States other than Puerto Rico where such ship or vessel may arrive, and no such baggage or personal belongings of passengers or crew shall be removed from such dock until the same have been inspected and passed by an inspector of the United States Department of Agriculture. For the purpose of such inspection the inspectors of the United States Department of Agriculture are authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by § 301.58.*†

301.58-11 Posting of warning notice and distribution of baggage declarations. Before any ship or vessel from Puerto Rico arrives within the boundaries of any State, Territory, or District of the United States other than Puerto Rico, the master, captain, or other person having charge or possession of any ship or vessel shall cause to be distributed to each passenger thereon a baggage declaration,

to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, § 301.58, and the regulations in this subpart. These baggage declarations, after being signed by the passengers, shall be collected and delivered by the purser to the inspector of the United States Department of Agriculture on arrival.

Every person or company owning or controlling any dock, yard, or other harbor in Puerto Rico from which ships or vessels sail for ports in the continental United States, or in any of its Districts or Territories, except Puerto Rico, and every master, captain, or other person in charge or possession of any ship or vessel sailing from Puerto Rico destined to a port in the continental United States, or any of its Districts or Territories, except Puerto Rico, shall, respectively, post in one or more conspicuous places, and keep posted at all times in one or more conspicuous places, on or in said dock, yard, or other harbor, or in such ship or vessel, and in at least three places—the cabin, the steerage, and crew's quarters in such ship or vessel—a copy of the warning notice printed on the reverse side of the baggage declaration.*†

301.58–12 Importations by Department of Agriculture permitted. Section 301.58 and §§ 301.58–1 to 301.58–11, inclusive, shall not apply to importations of fruits and vegetables from Puerto Rico made by the United States Department of Agriculture for experimental or scientific purposes.*†

CROSS REFERENCE: For restrictions affecting the importation and interstate movement of frozen-pack fruits under this quarantine, see § 319.56–2c.

SUBPART—SAND, SOIL, OR EARTH, WITH PLANTS FROM HAWAII AND PUERTO RICO

QUARANTINE

301.60 Notice of quarantine. The Secretary of Agriculture, under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7. U.S.C. 151–167), the required public hearing having been duly given, and having determined that it is necessary to quarantine the Territories of Hawaii and Puerto Rico to prevent the spread, by means of sand, soil, or earth about the roots of plants, of immature stages of certain injurious insects, including *Phyllophaga* spp. (white grubs), *Phytalus* sp., *Adoretus* sp., and of several species of termites or white ants, new to and not heretofore widely prevalent or distributed within and throughout the United States, does hereby quarantine the said Territories of Hawaii and Puerto Rico, effective on and after September 1, 1936. Thereafter, pursuant to the provisions of the said Act of August 20, 1912, sand (other than clean ocean sand), soil, or earth around the roots of plants, shall not be shipped, offered for shipment to a common carrier, received for transportation, or transported by a common carrier, carried, transported, moved, or allowed to be moved from the Territories of Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States: Provided, That this prohibition shall not apply to sand, soil, or earth around the

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.58–1.

roots of plants which are carried, for ornamental purposes, on vessels into mainland ports of the United States and which are not intended to be landed thereat, when evidence is presented satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine of the Department of Agriculture (a) that such sand, soil, or earth has been so processed or is of such nature that no pest risk is involved, or (b) that the plants with sand, soil, or earth around them are maintained on board under such safeguards as will preclude pest escape.

The prohibition of this section shall not apply to the movement of sand, soil, or earth around the roots of plants moved from the Territories of Hawaii and Puerto Rico for experimental or scientific purposes by the United States Department of Agriculture.* [Notice of Quarantine 60, rev., Aug. 14, 1936]

SUBPART—THURBERIA WEEVIL

QUARANTINE

301.61 Notice of quarantine. Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing as required thereby, the Secretary of Agriculture does hereby quarantine the State of Arizona, effective on and after August 1, 1927. Hereafter, under the authority of said Act of August 20, 1912, amended as aforesaid (a) *Thurberia*, including all parts of the plant; (b) cotton, including all parts of the plant, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton lint, gin waste, cottonseed, cottonseed hulls, cottonseed cake and meal; (c) bagging and other containers and wrappers of cotton and cotton products; (d) railway cars, boats, and other vehicles which have been used in conveying cotton and cotton products or which are fouled with such products; (e) hay and other farm products; and (f) farm household goods, farm equipment, and, if contaminated with cotton, any other articles, shall not be shipped, offered for shipment to a common carrier, received for transportation, or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the State of Arizona into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: Provided, That the restrictions of this section and of the rules and regulations supplemental thereto may be limited to the areas in the State of Arizona now, or which may be hereafter, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the *Thurberia* weevil: Provided further, That such limitation shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as in the judgment of the

Secretary of Agriculture shall be deemed adequate to prevent the spread of the *Thurberia* weevil therefrom to other parts of the State.* [Notice of Quarantine 61, rev., July 9, 1927]

RULES AND REGULATIONS

301.61-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Thurberia weevil.** The insect known as the *Thurberia* weevil (*Anthonomus grandis thurberiae* Pierce), in any stage of development.

(b) **Cotton and cotton products.** Cotton, wild cotton, including all parts of cotton or wild cotton plants (plants of any species of the genera *Gossypium* and *Thurberia*); seed cotton; cotton lint and linters, including all forms of unmanufactured cotton lint and linters; gin waste; cottonseed; cottonseed hulls, cake, and meal.

(c) **Lint.** All forms of unmanufactured fiber produced from seed cotton.

(d) **Linters.** All forms of unmanufactured fiber produced from cottonseed.

(e) **Sterilized seed.** Cottonseed which has been sterilized as a part of the continuous process of ginning at a temperature of not less than 145° F. in an approved plant, under the supervision of an inspector, for such a period and in such manner and method as is authorized by the Bureau of Entomology and Plant Quarantine.

(f) **Inspector.** An inspector of the United States Department of Agriculture.

(g) **Moved or allowed to be moved interstate.** Shipped, offered for shipment to a common carrier, received for transportation, or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.*†

†In §§ 301.61-1 to 301.61-15, inclusive, (except for the amendments noted in the text,) the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 61, Secretary of Agriculture, Sept. 30, 1933.

301.61-2 Limitation of restrictions to regulated areas. Conditioned upon the compliance on the part of the State of Arizona with the provisos in § 301.61, the restrictions provided for in the regulations in this subpart on the interstate movement of the articles enumerated in said section, except as to *Thurberia* (see § 301.61-5), will be limited to such articles when moving from the areas in the State of Arizona now or hereafter designated by the Secretary of Agriculture as regulated areas: Provided, That, except as to *Thurberia* (see § 301.61-5), the articles enumerated in § 301.61 may move interstate from an area not under regulation through a regulated area when such movement is on a through bill of lading.*†

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.61-1.

301.61-3 Regulated area. In accordance with the provisos to § 301.61, the Secretary of Agriculture designates as regulated area the counties, or portions thereof, of Graham, Cochise, Santa Cruz, Pima, and Pinal, of the State of Arizona, embraced within the following-described boundary line, including all cities, towns, townships, and other political subdivisions within their limits:

Beginning at the most southeasterly corner of Greenlee County; thence westerly along the most southerly line of said county to the most southwesterly corner of said county; thence northwesterly along the county line of Greenlee and Graham Counties to the point where the township line between township ten (10) south and township eleven (11) south as surveyed, or as would be if surveyed, intersects, or would intersect, the county line between Graham and Greenlee Counties; thence west along the said township line between township ten (10) south and township eleven (11) south as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the line between the townships in range twenty-three (23) east and range twenty-four (24) east; thence north along the township line between the townships in range twenty-three (23) east and range twenty-four (24) east as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the township line between township six (6) south and township seven (7) south; thence west along the said township line between township six (6) south and township seven (7) south as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the line between the townships in range eight (8) east and range nine (9) east; thence south along the township line between the townships in range eight (8) east and range nine (9) east as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the township line between township eight (8) south and township nine (9) south; thence west along the township line between township eight (8) south and township nine (9) south as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the line between the townships in range seven (7) east and range eight (8) east; thence south along the township line between the townships in range seven (7) east and range eight (8) east as surveyed, or as would be if surveyed, to the point where the said township line intersects, or would intersect, the boundary line between Pima County and the Republic of Mexico; thence southeasterly and easterly along the boundary line between the State of Arizona and the Republic of Mexico to the point where the said boundary line intersects the boundary line between the States of New Mexico and Arizona; thence northerly along the boundary line between the States of New Mexico and Arizona to the point of beginning.

All townships, township lines, and ranges referred to in the above-described area are of the Gila and Salt River base and meridian.* [Reg. 3, R. & Regs., as amended Oct. 22, 1936]

301.61-4 Extension or reduction of regulated areas. The regulated areas may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the State of Arizona and by publication in one or more newspapers selected by the Secretary of Agriculture within the said State.*†

301.61-5 Prohibited movement. No *Thurberia* plants or parts thereof shall be moved or allowed to be moved interstate from any point in Arizona, and no permit will be issued for such movement.

No seed cotton, gins, or stalks, bolls, or other parts of the cotton plant, or gin waste, shall be moved or allowed to be moved interstate from a regulated area, and no permit will be issued for such movement.*†

301.61-6 Cottonseed. Cottonseed shall not be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for such movement of samples of sterilized seed to an approved laboratory in nonregulated territory for analysis, or of samples to be moved for some other approved purpose.

Permits may also be issued for the interstate movement of sterilized seed to an authorized oil mill in nonregulated territory for crushing. As one of the conditions for such authorization, oil mills in such nonregulated territory must agree to maintain such safeguards against the spread of infestation and to comply with such restrictions on the subsequent movement of the linters and other products manufactured from the seed concerned as may be required by the Bureau of Entomology and Plant Quarantine.

Permits may be issued for the interstate movement of seed to any destination on condition that the seed has been given a special heat treatment at 145° F. maintained under approved conditions for a period of 1 hour and subsequently has been protected from contamination or has been given such other treatment as may later be approved by the Bureau of Entomology and Plant Quarantine.

In cases where in the judgment of the Bureau of Entomology and Plant Quarantine the carrying out of the treatments required in this regulation becomes impracticable owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of cottonseed from a regulated area on such conditions as may be prescribed by that Bureau.

Cottonseed produced outside of but brought within a regulated area may be moved interstate from such area under permit on condition that while in the area the seed has been protected from contamination in a manner satisfactory to the inspector.*†

301.61-6a Administrative instructions; approval of alternative treatments for cottonseed as a condition for interstate movement from the area regulated under quarantine No. 61. Pursuant to authority vested in the Bureau of Entomology and Plant Quarantine under § 301.61-6, which provides that permits may be issued for

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.61-1.

the interstate movement of cottonseed from the regulated area on such conditions as may be prescribed by that Bureau, the Bureau hereby approves any one of the following alternative treatments and permits may be issued for the interstate movement of cottonseed so treated:

When the cottonseed has been sterilized to 145° F. as a part of the continuous process of ginning and, in addition, has been treated by sulphuric acid and screening; or has been given a special heat treatment at 145° F. maintained under approved conditions for a period of thirty (30) minutes; or has been heated to a temperature of 155° F. in an approved manner separate and apart from ginning operations, and subsequent to any one of these treatments has been protected from contamination to the satisfaction of the inspector.* (Issued under § 301.61-6) [BEPQ 436, rev., July 27, 1937]

301.61-7 Lint and samples. Lint and samples thereof shall not be moved or allowed to be moved interstate from a regulated area unless a permit has been issued therefor by the United States Department of Agriculture.

Permits may be issued for such movement of lint or samples thereof produced in a regulated area on condition that the lint was produced in a gin operated as to seed sterilization and the prevention of contamination to the satisfaction of the inspector and upon compliance with the following additional requirements, which shall be carried out under the supervision of an inspector and in manner and by method approved by the Bureau of Entomology and Plant Quarantine:

Baled lint must be either vacuum fumigated, or compressed, or roller treated, or given such other treatment or treatments as may later be approved by the said Bureau; samples must be either fumigated, inspected, or otherwise treated as may be required by the inspector.

Permits may be issued for the interstate movement of baled lint and samples thereof grown outside of but brought within a regulated area and to be moved therefrom on the furnishing of evidence satisfactory to the inspector that the said materials have been protected from contamination.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable, owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of lint from a regulated area on such conditions as may be prescribed by that Bureau.*†

301.61-8 Linters and samples. Linters and samples thereof shall not be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement of linters and samples thereof produced in a regulated area on condition that they were produced from sterilized seed and protected from contamination to the satisfaction of the inspector, and on compliance with the

following additional requirements which shall be carried out under the supervision of an inspector and in manner and by method approved by the Bureau of Entomology and Plant Quarantine:

Baled linters must be either vacuum fumigated, or compressed, or roller treated, or given such other treatment as may later be approved by the said Bureau; samples must be either fumigated, inspected, or otherwise treated as may be required by the inspector.

Permits may be issued for the interstate movement of baled linters and samples thereof grown outside of but brought within a regulated area and to be moved therefrom on the furnishing of evidence satisfactory to the inspector that such materials have been protected from contamination.

In cases where, in the judgment of the Bureau of Entomology and Plant Quarantine, the carrying out of the treatments required in this section becomes impracticable, owing to the lack of satisfactory facilities or for some other sound reason, permits may be issued for the interstate movement of linters from the regulated areas on such conditions as may be prescribed by that Bureau.*†

301.61-9 Millwaste, unbaled lint and linters, and other forms of unmanufactured lint and linters. No form of cotton lint or linters shall be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no permit is required for the interstate transportation of materials which have been woven or spun from cotton lint or linters and are uncontaminated with other cotton or cotton products, nor for the interstate transportation of mattresses, pillows, cushions, or upholstery which have been commercially manufactured in compliance with the *Thurberia* weevil regulations of the State concerned and in which any unwoven lint or linters used are completely enclosed in the finished product.

Permits may be issued authorizing the interstate movement from a regulated area of millwaste and of all other forms of unmanufactured cotton lint or linters for which permits are required under the regulations in this subpart and which are not specifically covered in §§ 301.61-7 and 301.61-8, on condition that the material has been fumigated and compressed or roller-treated, or has been given such other treatment or handling as will, in the judgment of the Bureau, eliminate risk of spread of the *Thurberia* weevil.*†

301.61-10 Cottonseed hulls, cake, and meal. No cottonseed hulls, cake, or meal shall be moved or allowed to be moved interstate from a regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture.

Permits may be issued for the interstate movement from a regulated area to any destination of cottonseed hulls obtained from sterilized cottonseed, on condition that they have been protected from subsequent contamination to the satisfaction of the inspector and have been given such additional treatment as may be required by the inspector.

Permits may be issued for the interstate movement from a regulated area to any destination of cottonseed cake and meal produced

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.61-1.

either from sterilized cottonseed or from cottonseed obtained from nonregulated territory, on condition that the cake and meal have been protected against subsequent contamination with cottonseed to the satisfaction of the inspector.*†

301.61-11 Bagging, wrappers, and containers. Bagging and other wrappers and containers which have been used in connection with or which are contaminated with cotton or cotton products shall not be moved or allowed to be moved interstate from the regulated area unless a permit shall have been issued therefor by the United States Department of Agriculture. Permits may be issued on condition that such bagging or other wrappers or containers have been cleaned or treated to the satisfaction of the inspector.*†

301.61-12 Cars, boats, vehicles, household goods, and equipment. Railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are fouled with such products, and farm household goods, farm equipment, and other articles, if contaminated with cotton or cotton products, shall not be moved or allowed to be moved interstate from the regulated area until they have been thoroughly cleaned or treated to the satisfaction of the inspector. No permit is required for the movements allowed under this section.*†

301.61-13 Hay and other farm products and cottonseed oil. Hay and other farm products the interstate movement of which has not been specifically restricted or provided for elsewhere in the regulations in this subpart, and cottonseed oil, may be moved interstate without permit or other restriction until further notice.*†

301.61-14 General permit provisions, marking and labeling, costs of treatments, etc. To obtain permits under the regulations in this subpart, application should be made to the nearest local inspector or to the Bureau of Entomology and Plant Quarantine, 571 Federal Building, San Antonio, Tex.

Permits may specify a destination point or a limited destination area for the shipment; and, in that event, the material concerned shall not be moved or allowed to be moved interstate, directly or indirectly, to destinations other than those specified in such permit.

In case *Thurberia* weevil infestation within any part of the regulated area becomes so general or so heavy in the future that, in the judgment of the Bureau of Entomology and Plant Quarantine, the safeguards or treatments prescribed herein are insufficient to prevent the spread of the weevil therefrom, permits for the interstate movement of restricted articles produced or stored in such generally or heavily infested part of the area may either be refused or may be withheld until such additional treatments or safeguards have been applied as may be necessary in the judgment of the Bureau to prevent the spread of the *Thurberia* weevil.

Copies of the permits required under the regulations in this subpart shall be attached to the articles or to the waybills or other shipping papers which accompany the shipment. In the case of movement by a

road vehicle, copies of the permit shall accompany the vehicle. The products or articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.*†

301.61-15 Shipments by the United States Department of Agriculture. Products and articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—WHITE PINE BLISTER RUST

QUARANTINE

301.63 Notice of quarantine. Under authority conferred by the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing required thereby, the Acting Secretary of Agriculture does hereby quarantine every State in the continental United States and the District of Columbia, effective on and after October 1, 1926. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid, no five-leaved pines (*Pinus*) or currant and gooseberry plants (*Ribes* and *Grossularia*, including cultivated or wild or ornamental sorts) shall be moved or allowed to be moved from any such State or from the District of Columbia into or through any other State in the continental United States or the District of Columbia, except in manner or method or under conditions prescribed in the rules and regulations supplemental hereto and in amendments thereof: Provided, That the restrictions of this section and the rules and regulations supplemental hereto may be limited to the areas in a quarantined State now or hereafter designated by the Secretary of Agriculture as infected when said State shall have provided for and enforced such control measures with respect to such designated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to effect the control and prevent the spread of the white pine blister rust: Provided further, That, for the enforcement of the restrictions under this quarantine on the interstate movement of five-leaved pines and currant and gooseberry plants, all interstate shipments of nursery stock or other plants shall be subject to inspection at place of shipment or destination or at any point en route, by duly authorized inspectors of the United States Department of Agriculture.* [Notice of Quarantine 63, Aug. 27, 1926]

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.61-1.

RULES AND REGULATIONS

301.63-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **White pine blister rust, or blister rust.** The fungous disease caused by *Cronartium ribicola* Fischer.

(b) **Five-leaved pines.** Entire plants with roots, of the following species belonging to the genus *Pinus*:

American species:

Ayacahuite pine (*P. ayacahuite* Ehrenb.).

Bristlecone pine (*P. aristata* Engelm.).

Foxtail pine (*P. balfouriana* Murr.).

Limber pine (*P. flexilis* James).

Mexican white pine (*P. strobiformis* Engelm.).

Sugar pine (*P. lambertiana* Dougl.).

Western white or silver pine (*P. monticola* D. Don).

Whitebark pine (*P. albicaulis* Engelm.).

White pine (northern) (*P. strobus* L.).

Foreign species:

Balkan pine (*P. peuce* Griseb.).

Chinese white pine (*P. armandi* Franch.).

Himalayan or Bhotan pine (*P. excelsa* Wall.).

Japanese white pine (*P. parviflora* Sieb. and Zucc.).

Korean pine (*P. koraiensis* Sieb. and Zucc.).

Swiss stone pine (*P. cembra* L.).

(c) **Currant and gooseberry plants.** Plants, cuttings, or scions, belonging to the genera *Ribes* L. and *Grossularia* (Tourn.) Mill., including cultivated or wild or ornamental sorts.

(d) **European black currant plants.** Plants, cuttings, stocks, scions, buds, fruits, seeds, or parts of plants of *Ribes nigrum* L.

(e) **Inspector.** An inspector of the United States Department of Agriculture.

(f) **Dormant.** In a nonvegetative state, with inactive buds.

(g) **Infected States and District.** States and District designated by the Secretary of Agriculture as infected with white pine blister rust, as follows: Connecticut, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(h) **Legally established blister rust control area.** An area established under State authority wherein both the planting and possession of currant and gooseberry plants are prohibited for the purpose of protecting the 5-leaved pines on such area from damage by white-pine blister rust.

(i) **Moved or allowed to be moved interstate.** Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or

allowed to be moved from one State or District of the United States into or through any other State or District.*†

†In §§ 301.63-1 to 301.63-7, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 63, Department of Agriculture, Feb. 16, 1937, effective Mar. 1, 1937.

301.63-2 Shipments of five-leaved pines—(a) Control of movement. (1) Five-leaved pines shall not be moved or allowed to be moved interstate from an infected State or District to any point outside thereof, unless a Federal pine-shipping permit has been issued therefor and is attached to the outside of the container, except that, in the case of shipments to or between the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, a control-area permit secured from the proper officer of the State of destination may, until further notice, be substituted for the Federal pine-shipping permit. The pine-shipping permit may specify a destination point or a limited destination area for the shipment, and in that event the pines covered thereby shall not be moved or allowed to be moved interstate, directly or indirectly, either in the original container or otherwise, to destinations other than those authorized in such permit.

(2) Five-leaved pines shall not be moved or allowed to be moved interstate from any State or District unless there is attached to the outside of the container thereof a valid State or District nursery inspection certificate of the State or District from which the shipment is made.

(3) Branches and other parts of five-leaved pines without roots may be shipped interstate from any State or District without restriction under the regulations in this subpart, except that if such articles are visibly infected with the white-pine blister rust, they must either be shipped in a preservative or be authorized and labeled under the provisions of § 301.63-7.

(4) Five-leaved pines with roots, when visibly infected with the white-pine blister rust, shall not be moved or allowed to be moved interstate from any State or District unless such pines are shipped in a preservative or are authorized and labeled under the provisions of § 301.63-7.

(b) Conditions governing the issuance of permits. Federal pine-shipping permits may be issued upon compliance with the following conditions:

(1) That the five-leaved pines to be moved shall be grown from seed in a location within 1 mile of which there have existed since the time of planting said seed no European black currant plants and within at least 1,500 feet of which there have existed since the time of planting said seed no currant or gooseberry plants of any size or variety which in the judgment of the inspector would involve risk of spread of the white-pine blister rust. A Ribes-free zone greater than 1,500 feet in width may be required when necessary in the judgment of the inspector to insure freedom from infection. The re-

*For statutory citation, see note to § 301.13.

quirement that the Ribes-free conditions described must have been maintained since the time of planting the seed may be waived in the case of premises which represent in the judgment of the Bureau of Entomology and Plant Quarantine little or no risk of being involved in blister rust infection.

(2) That the owner of the nursery shall submit a signed application for a pine-shipping permit to the Bureau of Entomology and Plant Quarantine, giving the location of the premises upon which said pines will be grown and agreeing that no five-leaved pines shall be grown in or distributed by any nursery or nurseries owned or controlled by the applicant except such as are maintained in compliance with the previous subparagraph: Provided, That in the case of nursery properties under single ownership and management, but represented by units widely separate, such units may be considered as independent nurseries, and pine-shipping permits may be issued for one or more such individual units based on the certification requirements stated below when in the judgment of the inspector no risk of spread of white-pine blister rust is involved. The application required herein should preferably be filed before the seed are planted (in order to avoid disappointment and loss in case the premises are later found not to comply fully with the requirements of subparagraph (1)).

(3) That before shipment of said pines certification shall be made to the Bureau of Entomology and Plant Quarantine by an inspector showing that the nursery stock has been found to be free from white-blister rust and that the premises and the environs have been inspected annually and maintained as specified in subparagraph (1).

(4) Permits for the reshipment of such pines certified under the conditions prescribed by subparagraph (3) above may be issued to purchasers of such stock who do not grow five-leaved pines upon receipt of an application and a signed agreement by the applicant agreeing to observe the regulations in this subpart and the conditions under which the permit was issued.*†

301.63-3 Control of movement of currant and gooseberry plants. (a) No European black currant plants (*Ribes nigrum*) and no plants of the wild native western species known as *R. bracteosum* and *R. petiolare* shall be moved or allowed to be moved interstate in the continental United States except into or within the area comprised in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

(b) No currant or gooseberry plants of any species or variety shall be moved or allowed to be moved interstate from an infected State or District unless they have either been dipped (except the roots) immediately prior to shipment in lime-sulphur solution of a strength of 4.5° B.⁶ or are shipped in a dormant and defoliated condition. Such lime-sulphur dip shall be plainly visible on said plants and be easily

⁶ Prepare this solution by diluting one part of commercial concentrated lime-sulphur solution of 32° B. with eight parts of water.

detectable by odor, the judgment of the inspector to be final as to adequacy of the dip and as to the condition of the plants as to dormancy and defoliation.

(c) No currant or gooseberry plants of any species or variety shall be moved or allowed to be moved interstate into any of the States of Connecticut, Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, or Wisconsin unless the container shall bear on the outside thereof a control-area permit issued by an inspector designated to act for the Bureau of Entomology and Plant Quarantine in such State. Such permits may be issued on condition that the plants are destined for points outside the legally established blister-rust-control areas of the States concerned.

(d) Except as provided in paragraphs (a) and (c), currant and gooseberry plants may be shipped from noninfected States to any destination without restriction under the regulations in this subpart.*†

301.63-4 Marking requirements. (a) Every car, box, bale, or other container of articles for which certificates or permits are required by the regulations in this subpart shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall bear attached to the outside thereof the proper certificate or permit issued in compliance with § 301.63-2 or § 301.63-3.

(b) The certificates or permits in the case of carload and other bulk shipments shall accompany the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such shipments.*†

301.63-5 Provision for inspection of nursery stock and other plants in transit. Any car, vehicle, box, bale, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place.*†

301.63-6 Cancellation of permits. Permits issued under the regulations in this subpart may be withdrawn or canceled and further permits refused, either upon determination of blister rust infection on the premises on which the articles concerned are or have been located or for any failure of compliance with the conditions of the regulations in this subpart or violation of them or of the permittee's agreement, or whenever in the judgment of the Bureau of Entomology and Plant Quarantine the further use of such permits might result in the dissemination of the white-pine blister rust. After any such permit is withdrawn or canceled the further use of any permit tags issued thereunder is prohibited.*†

301.63-7 Shipments by the United States Department of Agriculture. Articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental, educational, or scientific purposes on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.63-1.

so moved, except when shipped to or in care of the Inspection House, Bureau of Entomology and Plant Quarantine, Washington, D. C., shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—MEXICAN FRUITFLY

QUARANTINE

301.64 Notice of quarantine. Under authority conferred by the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing required thereby, the Secretary of Agriculture does quarantine the State of Texas, effective on and after October 15, 1937, and by this notice of quarantine does order that no fruits of any variety shall be shipped, offered for shipment to a common carrier, received for transportation, or carried by a common carrier, or carried, transported, moved, or allowed to be moved interstate from the said quarantined State in manner or method or under conditions other than those prescribed in the rules and regulations promulgated pursuant thereto or under such modification thereof as may be issued by the Chief of the Bureau of Entomology and Plant Quarantine as hereinafter provided: Provided, That the restrictions of this quarantine and of the rules and regulations supplemental thereto or modification thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas: Provided further, That such limitation of the restrictions to the regulated areas shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas, including the control of intrastate movement of host fruits from such areas, as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the Mexican fruitfly therefrom to other parts of the State: and Provided further, That except as to extension or reduction of the regulated area, the Chief of the Bureau of Entomology and Plant Quarantine may modify by administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action is necessary to prevent the spread of the Mexican fruitfly.* [Notice of Quarantine 64, rev., Oct. 14, 1937]

RULES AND REGULATIONS

301.64-1 Definitions. For the purpose of the regulations in this subpart, the following words shall be construed respectively to mean:

(a) **Mexican fruitfly.** The insect known as the Mexican fruitfly (*Anastrepha ludens* Loew).

(b) **Regulated areas.** The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to § 301.64.

(c) Host fruits. Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible and of which due notice will be given.

(d) Host-free period. A period of time during which no host fruits are produced or permitted to exist within the regulated area, except immature fruit in such stage of development, and mature fruit held or stored under such conditions as are prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, which in his judgment do not convey risk of propagating the Mexican fruitfly.

(e) Inspector. An inspector of the United States Department of Agriculture.

(f) Moved interstate. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.*†

†In §§ 301.64-1 to 301.64-10, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations, 2nd rev., supplemental to Notice of Quarantine No. 64, Department of Agriculture, Oct. 14, 1937, effective Oct. 15, 1937.

301.64-2 Limitation of restrictions to regulated areas. Conditioned upon the compliance on the part of the State of Texas with the provisos to § 301.64, the restrictions provided in the regulations in this subpart or subsequent administrative instructions on the production or interstate movement of fruit will be limited to fruit produced in or moving interstate from the areas in Texas now or hereafter designated by the Secretary of Agriculture as regulated areas.*†

301.64-3 Regulated area. In accordance with the provisos to § 301.64, the Secretary of Agriculture designates as "regulated area" the counties of Brooks, Cameron, Hidalgo, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect, including all cities, towns, townships, and other political subdivisions within this area.*†

301.64-4 Extension or reduction of regulated areas. The regulated areas designated in § 301.64-3 may be extended or reduced as may be deemed advisable by the Secretary of Agriculture in accordance with the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended.*†

301.64-5 Restrictions on the interstate movement of fruit from the regulated area—(a) Permits required. Grapefruit, oranges, and other citrus fruits (except as provided in paragraph (c)) shall not be moved interstate from a regulated area into or through any point

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.64-1.

outside thereof unless a permit has been issued therefor by the United States Department of Agriculture.

(b) Movement of noncitrus hosts prohibited. Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (§ 301.64-1 (c)), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(c) No restrictions on immune and manufactured fruits. No restrictions are placed by the regulations in this subpart on the interstate movement of lemons, sour limes, or other nonhost fruits, nor on the interstate movement of host fruits which have been manufactured or processed in such manner as to eliminate danger of carrying the Mexican fruitfly.

(d) Movement through regulated area. No restrictions are placed by the regulations in this subpart on the interstate movement of restricted articles from an area not under regulation through a regulated area when such movement is on a through bill of lading.*†

301.64-6 Conditions governing the issuance of permits. Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) Grove inspection and sanitation. The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement of the regulations in this subpart and shall be kept free from drops and windfalls during such periods and time as the Chief of the Bureau of Entomology and Plant Quarantine may direct. Such drops and windfalls shall be buried under at least 18 inches of tamped soil, or otherwise disposed of in manner and method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected within 30 days prior to the movement of the fruit concerned and have been found free from Mexican fruitfly infestation.

(b) Packing house requirements. The packer and shipper shall maintain his packing plant in compliance with the sanitation requirements of the State of Texas issued for the suppression of the Mexican fruitfly. The packer shall also maintain a complete record of all receipts and sales or shipments of host fruits, subject to examination by the inspector.

(c) Applications. Persons desiring to purchase, pack, or move grapefruit, oranges, or other restricted citrus fruits interstate from the regulated area shall make application for a permit to the office of the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., as far as possible in advance of the probable date of shipment. Applications shall show the nature and quantity of the fruit it is pro-

posed to move, together with the location at which it will be packed, the name and address of the shipper, and a list of all groves, together with the names and addresses of the owners, from which fruit for packing will be secured. Each applicant shall file with his application a signed statement in which he agrees to notify the inspector of all additional groves from which fruit for packing will be secured, not to pack or ship fruit from any grove until he has received written notification from the inspector that the grove has been maintained in compliance with the regulations issued under § 301.64, and to discontinue packing and shipping the fruit from any grove on notification from the inspector of the discovery of an infestation of the Mexican fruitfly in such grove or adjoining groves or of failure on the part of the owner or manager of such grove to comply with any condition of the regulations in this subpart.

(d) Containers. Permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and which are of such nature as will permit the inspector to identify the contents thereof.

(e) Sterilization may be required. Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might involve risk of spread of the Mexican fruitfly.

(f) Destination limitations. Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) Cancellation of permits. Any permits issued under the regulations in this subpart may be withdrawn or canceled and further permits refused either for any failure of compliance with the regulations in this subpart or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of infestation.*†

301.64-6a Administrative instructions; sterilization of grapefruit and oranges by heat. Under the authority contained in § 301.64-6(e), and having determined that shipments of unsterilized oranges and grapefruit from infested areas might involve risk of spread of the Mexican fruitfly, notice is hereby given that sterilization is required as a condition of issuance of permits for the interstate movement of oranges and grapefruit produced in areas designated by the Chief of the Bureau of Entomology and Plant Quarantine as infested. Such sterilization shall be in accordance with one of the following prescribed treatments:

(a) Heating the fruit to a temperature of 110° F. or above (not to exceed 112°) in the approximate center of the fruit and holding

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.64-1.

the temperature of 110° or above (not to exceed 112°) for a period of 8 hours;

(b) Heating the fruit for a period of not less than 14 hours during which time the fruit shall be raised to a temperature of 110° F. at the approximate center of the fruit and shall be maintained at or above that temperature for the last 6 hours of such treatment.

No specifications as to the exact methods and equipment for obtaining these conditions are prescribed. Available information clearly indicates that by the application of dry heat the required temperatures cannot be reached without injury to the fruit. To prevent such injury it is necessary to maintain a very high humidity throughout the period of treatment. In the tests where successful performance was obtained, live steam as the source of heat was applied in such a way as to secure as nearly as possible a uniform distribution of steam-heated air so directed as not to discharge directly on the fruit. The air temperature ranged from 110° to 112° F. and the air was very moist. The fruit was held in field boxes stacked four boxes high and without special means of separating the boxes in each stack. The experiments indicate that the fruit should be sterilized after coloring, if this is necessary, and before packing for shipment, and then cooled down to a temperature around 45° F. as soon as possible after sterilizing. Wax or paraffine, either dry or in solution, should not be applied to this fruit either before or after sterilization.

Such treatment is authorized in sterilization plants in the regulated area which are approved by the Bureau of Entomology and Plant Quarantine. The Bureau will approve only those plants which are adequately equipped to handle and sterilize the fruit. Such sterilization will be done under the supervision of inspectors of the Bureau. These inspectors should at all times be given access to fruit while in process of sterilization. They will supervise the movement of the fruit from the car to and from the sterilizing rooms.

While the results of the experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in operation may result in injury to fruit. In authorizing the movement of fruit sterilized in accordance with the above requirements, it is understood that the Department does not accept responsibility for fruit injury.* (Issued under § 301.64-6) [BEPQ 472, Apr. 5, 1938]

301.64-7 Conditions required in the regulated areas. The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated areas under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

(a) **Host-free period.** A host-free period shall be maintained each year beginning on the 1st day of May and continuing until the 1st day of September, subject to such modification as to duration and

dates of commencement and termination as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve increased risk of spread of the Mexican fruitfly.

Prior to the commencement of such host-free period each year, all restricted citrus fruit shall be removed from the tree for immediate sale or shipment, or for retention in fly-proof storage approved by the Chief of the Bureau of Entomology and Plant Quarantine, and all other host fruits shall be destroyed either following removal from the trees or by destruction of the trees themselves.

No host fruits shall be permitted to remain on trees or to exist elsewhere within a regulated area at any time during such host-free period except immature citrus fruits which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine are not susceptible to infestation by the Mexican fruitfly.

(b) Inspection. A system of inspection shall be carried on throughout the year to provide for the efficient enforcement of paragraphs (a) and (c) of this section, for the prompt discovery of any infestations which occur, and for the enforcement of such conditions in and around citrus groves and packing and processing plants as shall be necessary to prevent the dissemination of Mexican fruitfly through the interstate movement of citrus host fruits.

(c) Infested zones. Upon the determination of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and all host fruits in susceptible stages of maturity produced within such zone and existing in the regulated area shall be destroyed or processed in such a manner as to render them free from infestation.*†

301.64-8 Marking requirements. Every crate, box, or other container of host fruit moved interstate under the regulations in this subpart shall have securely attached thereto a shipping permit (Form 443) issued under the provisions of § 301.64-6, and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under the regulations in this subpart shall, in addition to the shipping permit on each such container, be accompanied by a master permit (Form 515) showing the number of containers and either the license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.*†

301.64-9 Inspection in transit. Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by inspectors at any time or place.*†

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.64-1.

301.64-10 Shipments by the United States Department of Agriculture. Articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—WOODGATE RUST

QUARANTINE

301.65 Notice of quarantine. Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing as required thereby, the Secretary of Agriculture does quarantine the State of New York effective on and after November 1, 1928. Hereafter, under the authority of said Act of August 20, 1912, amended as aforesaid, no trees, branches, limbs or twigs of Scotch pine (*Pinus sylvestris*), or of any variety thereof, or of any other species or variety of hard pine shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the said quarantined State into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and in amendments thereto: Provided, that the restrictions of this section and of the rules and regulations supplemental thereto may be limited to the areas in the quarantined State now, or which may be hereafter, designated by the Secretary of Agriculture as regulated areas, when in the judgment of the Secretary of Agriculture such limitation shall be adequate to prevent the spread of the Woodgate rust to other States and Territories, and when the movement of the restricted articles intrastate from such regulated areas is so safeguarded as to prevent the spread of the Woodgate rust therefrom to other parts of the State and thence into interstate commerce.* [Notice of Quarantine 65, Oct. 18, 1928]

RULES AND REGULATIONS

301.65-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Woodgate rust.** The disease known as Woodgate rust and caused by a fungus known as *Peridermium* sp.

(b) **Quarantined area.** Any State quarantined by the Secretary of Agriculture upon determination by him that the Woodgate rust exists therein.

(c) **Regulated areas.** Areas in a quarantined State which are now or which may hereafter be designated as such by the Secretary of Agriculture in accordance with the proviso to § 301.65.

(d) **Scotch pines.** Trees, branches, limbs, and twigs of Scotch pine (*Pinus sylvestris*) and of all varieties thereof.

(e) **Hard pines.** Trees, branches, limbs, and twigs of the species of *Pinus* commonly known as "hard pines."*†

†In §§ 301.65-1 to 301.65-6, inclusive, (except for the amendment noted in the text,) the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations supplemental to Notice of Quarantine No. 65, Department of Agriculture, Oct. 18, 1928, effective Nov. 1, 1928.

CROSS REFERENCE: For list of species brought under restriction at this time, see § 301.65-5.

301.65-2 Limitation of restrictions to regulated areas. Conditioned upon the compliance on the part of the State concerned with the proviso to § 301.65, the restrictions provided in the regulations in this subpart on the interstate movement of the articles enumerated in said section will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*†

301.65-3 Regulated areas. In accordance with the proviso to § 301.65, the Secretary of Agriculture designates as regulated area the counties of Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, and St. Lawrence in the State of New York, including all cities, towns, townships, and other political subdivisions within their limits.* [Reg. 3, R. & Regs., as amended Mar. 9, 1929]

301.65-4 Extension or reduction of regulated areas. The regulated areas designated in § 301.65-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the State of New York and by publication in one or more newspapers selected by the Secretary of Agriculture within the said State.*†

301.65-5 Prohibition of movement of Scotch pine and other hard pines from the regulated areas. No trees, branches, limbs, or twigs of Scotch pine (*Pinus sylvestris*), Canary Island pine (*P. canariensis*), Slash pine (*P. caribaea*), Japanese red pine (*P. densiflora*), Corsican pine (*P. nigra poiretiana*), Stone pine (*P. pinea*), Western yellow pine (*P. ponderosa*), Monterey pine (*P. radiata*), Loblolly pine (*P. taeda*), or Jersey pine (*P. virginiana*), or of any variety thereof, or of any species or variety of hard pine hereafter found to be susceptible to the Woodgate rust, shall be moved or allowed to be moved interstate from the regulated area into or through any point outside thereof.

No restrictions are placed by the regulations in this subpart on the interstate movement of species or varieties of hard pine other than those named in this section unless and until such species or varieties shall be found susceptible to the Woodgate rust.

*For statutory citation, see note to § 301.13

†For source citation, see note to § 301.65-1.

No restrictions are placed by the regulations in this subpart on the interstate movement of the articles enumerated from an area not under regulation through a regulated area when such movement is on a through bill of lading.*†

301.65-6 Shipments by the United States Department of Agriculture. Articles subject to restriction in the regulations in this subpart may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

SUBPART—DUTCH ELM DISEASE

QUARANTINE

301.71 Notice of quarantine. Under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1165; 7 U.S.C. 161), and having duly given the public hearing required thereby, the Secretary of Agriculture does hereby quarantine the States of Connecticut, New Jersey, and New York, effective on and after February 25, 1935. Hereafter, under the authority of said Act of August 20, 1912, amended as aforesaid, elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark) shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: Provided, That the restrictions of this section and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Dutch elm disease: Provided further, That such limitation shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the

spread of the Dutch elm disease therefrom to other parts of the State.* [Notice of Quarantine 71, Feb. 20, 1935]

RULES AND REGULATIONS

301.71-1 Definitions. For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Dutch elm disease.** The plant disease known as the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz)), in any stage of development.

(b) **Quarantined area.** Any State quarantined by the Secretary of Agriculture to prevent the spread of the Dutch elm disease.

(c) **Regulated area.** Any area in a quarantined State which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to § 301.71.

(d) **Moved or allowed to be moved interstate.** Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.*†

†In §§ 301.71-1 to 301.71-6, inclusive, (except for the amendment noted in the text,) the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations supplemental to Notice of Quarantine No. 71, Department of Agriculture, Feb. 20, 1935, effective Feb. 25, 1935.

301.71-2 Limitation of restrictions to regulated areas. Conditioned upon the compliance on the part of the States concerned with the provisos to § 301.71, the restrictions provided in the regulations in this subpart on the interstate movement of the articles enumerated in said section will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*†

301.71-3 Regulated areas. In accordance with the provisos to § 301.71, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

CONNECTICUT: Towns of Darien, Fairfield, Greenwich, New Canaan, Norwalk, Redding, Ridgefield, Stamford, Weston, Westport, and Wilton, in Fairfield County.

NEW JERSEY. Counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union; all of Hunterdon County except the townships of Delaware, Holland, Kingwood, and West Amwell, and the boroughs of Frenchtown, Lambertville, Milford, and Stockton; townships of Hopewell, Princeton, and West Windsor, and the boroughs of Hopewell, Pennington, and Princeton, in Mercer County; all of Middlesex County except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; townships of Holmdel, Matawan, Middletown, Raritan, Shrewsbury, and the boroughs of Atlantic Highlands, Eatontown, Fair Haven, Highlands, Keansburg, Keyport, Little Silver, Long Branch, Matawan, Monmouth Beach, Oceanport, Red Bank,

*For statutory citation, see note to § 301.13.

†For source citation, see note to § 301.71-1.

Rumson, Sea Bright, Shrewsbury, Union Beach, and West Long Branch, in Monmouth County; all of Sussex County except the townships of Montague, Sandyston, Stillwater, and Walpack; townships of Allamuchy, Franklin, Frelinghuysen, Independence, Hope, Liberty, Mansfield, Oxford, Washington, and White, and the boroughs of Belvidere, Hackettstown, and Washington, in Warren County.

NEW YORK. Counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, and Westchester; towns of Blooming Grove, Chester, Cornwall, Goshen, Highland, Minisink, Monroe, Tuxedo, Warwick, Wawayanda, and Woodbury, in Orange County; towns of Carmel, Phillipstown, Putnam Valley, and South East, in Putnam County; town of Huntington, in Suffolk County.

*[Reg. 3, R. & Regs., as amended Nov. 9, 1937]

301.71-4 Extension or reduction of regulated areas. The regulated areas designated in § 301.71-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.*†

301.71-5 Control of the movement of restricted plants and plant products. Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof.

No restrictions are placed by the regulations in this subpart on the interstate movement of the articles enumerated therein from points in the quarantined States outside of the areas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas.

No restrictions are placed on the interstate movement of the articles enumerated from an area not under regulation through a regulated area when such movement is on a through bill of lading.

No restrictions are placed on the interstate movement of the articles enumerated between points within the regulated area, provided such articles do not pass through any point outside thereof.*†

301.71-6 Shipments for experimental or scientific purposes. Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*†

PART 302—DISTRICT OF COLUMBIA: MOVEMENT OF PLANTS AND PLANT PRODUCTS

Sec.	Sec.
Order	302.4 Requirements relating to nursery stock and other plants and plant products.
302.1 Movement of plants and plant products into and out of the District of Columbia.	302.5 Shipments which fail to comply with regulations.
Rules and regulations	302.6 Certification of nursery stock and herbaceous perennial plants, bulbs, and roots.
302.2 Definitions.	
302.3 Unrestricted articles.	

ORDER

Section 302.1 Movement of plants and plant products into and out of the District of Columbia. The Secretary of Agriculture, as required by the Plant Quarantine Act of August 20, 1912, as amended, (41 Stat. 726; 7 U.S.C. 167) does hereby order that no plants or plant products shall be moved into or out of the District of Columbia except in compliance with the rules and regulations supplemental hereto which are hereby promulgated: Provided, That certain plants or plant products may be exempted from the rules and regulations in this part by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of dangerous plant pests.* [Order for control of movement of plants and plant products into and out of the District of Columbia, Apr. 27, 1938]

*§§ 302.1 to 302.6, inclusive, issued under the authority contained in sec. 15, as added by 41 Stat. 726; 7 U.S.C. 167.

RULES AND REGULATIONS

302.2 Definitions. For the purpose of the regulations in this part the following words, names, and terms shall be construed, respectively, to mean:

(a) **Nursery stock.** All trees, shrubs, and plants having a persistent woody stem, and parts thereof capable of propagation, except fruit pits and seeds, provided that foreign-grown seeds of woody plants, of palms, of *Vicia* (vetch, etc.), and of *Lathyrus* (sweet peas, etc.), are defined as nursery stock.

(b) **Herbaceous perennial plants, bulbs, and roots.** Plants whose roots persist 2 or more years but which lack persistent woody stems above the ground. This term includes fibrous-rooted perennials, such as strawberry plants and phlox; bulbs, such as narcissus and crocus; corms, such as gladiolus; tubers, such as dahlia; fleshy roots, such as peony; rhizomes, such as iris; and such greenhouse-grown plants as ferns, geraniums, orchids, etc.

(c) **Annual plants.** Plants grown from seed for bloom or food the same season and living only 1 year. This term includes such plants as cabbage, tomato, and aster.

(d) **Inspector.** Plant quarantine inspector of the United States Department of Agriculture.

(e) **Moved.** Offered for movement to or received for transportation by a common carrier or moved by any means whatever into or out of the District of Columbia.

(f) **Certificate.** A certificate showing that the nursery or premises from which the plants or plant products were taken were inspected within 1 year prior to the date of shipment and were found to be free from injurious insect pests and plant diseases, or that the plants or plant products were inspected prior to shipment and found to be free from injurious insect pests and plant diseases.*† [Reg. 1]

†The source of §§ 302.2 to 302.6, inclusive, is Revised rules and regulations governing the movement of plants and plant products into and out of the District of Columbia, Department of Agriculture, Apr. 27, 1938, effective Apr. 30, 1938, 3 F.R. 829.

302.3 Unrestricted articles. No requirements as to certification or labeling are placed by the regulations in this part⁷ on the entry into or movement out of the District of Columbia of (a) annual plants, cut flowers, or decorative plant material (such as branches and Christmas trees); (b) seeds, except certain foreign-grown seeds as defined in § 302.2 (a); nor of (c) other plants and plant products not included in the definitions in § 302.2 (a), (b). The requirements as to delivery of plant materials are stated in § 302.4 (c), (d).*† [Reg. 2]

302.4 Requirements relating to nursery stock and other plants and plant products. (a) **Certification and marking of nursery stock.** No nursery stock as defined in § 302.2 shall be moved into the District of Columbia unless a valid certificate signed by the State nursery or horticultural inspector of the State or Territory or country from which the stock is shipped is attached to the outside of each package or other container. Each package or other container shall in addition be plainly marked with the names and addresses of the consignor and consignee and with a statement showing the nature of the contents.

(b) **Marking of herbaceous perennials, bulbs, or roots.** No herbaceous perennial plants, bulbs, or roots, as defined in § 302.2, shall be moved into the District of Columbia unless the container thereof is plainly marked with the names and addresses of the consignor and consignee and with a statement showing the nature of the contents.⁸

(c) **Delivery of plants and plant products.** (1) No nursery stock, herbaceous plants, bulbs, or roots, originating outside of the District of Columbia shall be delivered to the consignee in the District of Columbia by a common carrier or other person until such delivery is authorized by an inspector of the Bureau of Entomology and Plant Quarantine.

⁷ Compliance with any special plant quarantine or restrictive order which may be applicable thereto is required. Information relative to such restrictions may be obtained from the Bureau of Entomology and Plant Quarantine.

⁸ Herbaceous plants of foreign origin must be marked in accordance with the provisions of § 319.37.

(2) All nursery stock and herbaceous perennial plants, bulbs, and roots, annual plants, decorative plant material, and other plants and plant products, whether restricted or unrestricted, addressed to the United States Department of Agriculture, Washington, D. C., shall be delivered only at the Plant Inspection House of the Bureau of Entomology and Plant Quarantine (Twelfth Street and Constitution Avenue NW).^{*†} [Reg. 3]

302.5 Shipments which fail to comply with regulations. Plants and plant products shipped into the District of Columbia, which are found to be infected or infested with any plant pest or disease, or which have not been moved in full compliance with the regulations in this part, may be disposed of as authorized in the Plant Quarantine Act.^{*†} [Reg. 4]

302.6 Certification of nursery stock and herbaceous perennial plants, bulbs, and roots. (a) No nursery stock, or herbaceous perennial plants, bulbs, or roots, as defined in § 302.2, shall be moved out of the District of Columbia unless a certificate or permit has been issued therefor by the Bureau of Entomology and Plant Quarantine. Each package or other container of such plants, bulbs, or roots shall have such a certificate or permit attached to the outside thereof.

(b) A certificate or permit may be issued for the movement out of the District of Columbia of the nursery stock covered by this section, when it has been examined by an inspector and found apparently free from dangerous plant diseases and insects and when such shipment is found to comply in full with all Federal quarantine regulations.

(c) Nursery stock, herbaceous perennial plants, bulbs, or roots, to be shipped out of the District of Columbia must be presented at the Plant Inspection House of the Bureau of Entomology and Plant Quarantine (Twelfth Street and Constitution Avenue NW.) for inspection at the time of shipment unless otherwise authorized by an inspector.

When large shipments are contemplated, arrangements may be made for inspection at other places by telephoning Republic 4142, Branch 4495, or writing the Bureau.

Application for inspection of articles the movement of which is restricted by quarantine regulations or other restrictive orders shall be made at a season of the year sufficiently in advance of the contemplated date of shipment to provide for compliance with regulations.

(d) No common carrier or other person shall accept for shipment or remove from the District of Columbia any nursery stock, herbaceous perennial plants, bulbs, or roots, unless the required certificate or permit has been issued and is securely attached to the outside of each container.^{*†} [Reg. 5]

^{*}For statutory citation, see note to § 302.1.

[†]For source citation, see note to § 302.2.

PART 319—FOREIGN QUARANTINE NOTICES

Sec.		Sec.	
	SUBPART—Pink bollworm of cotton		SUBPART—Banana plants
	Quarantine	319.31	Notice of quarantine.
319.8	Notice of quarantine.		SUBPART—Bamboo
	Regulations governing entry of cottonseed, seed cotton, and cottonseed hulls from Imperial Valley	319.34	Notice of quarantine.
319.8-1	Application for permits.	319.37	SUBPART—Nursery stock, plants, and seeds
319.8-2	Permits for entry of cottonseed, seed cotton, and cottonseed hulls.	319.37a	Quarantine
			Notice of quarantine.
319.8-3	Importer's or broker's report to the Secretary of Agriculture.	319.37-1	Entry of Chinese sacred lily into Hawaii authorized.
319.8-4	Conditions of entry of cottonseed, seed cotton, and cottonseed hulls.	319.37-2	Rules and regulations
	SUBPART—Avocado seed		Definitions.
319.12	Notice of quarantine.	319.37-2a	Plant products and seeds for which permit is not required.
	SUBPART—Sugarcane	319.37-2b	Aglaonema may be entered only under permit.
319.15	Notice of quarantine.	319.37-2c	Seeds of Lathyrus and Vicia may be entered only under permit.
	SUBPART—Citrus canker and other citrus diseases		Administrative instructions; restrictions on the entry of cut flowers and decorative plant material.
319.19	Notice of quarantine.	319.37-3	Nursery stock, other plants and parts of plants, including seeds, for which a permit is required.
	SUBPART—Corn diseases		Application for permits for importation of nursery stock and other plants and seeds.
319.24	Quarantine	319.37-4	Delivery in bond pending receipt of permit will be allowed for shipment from countries maintaining inspection.
	Notice of quarantine.		Issuance of permits.
	Regulations governing entry of Indian corn or maize	319.37-6	Certification, marking, freedom from sand, soil, or earth, and approved packing material.
319.24-1	Applications for permits for importation of corn.	319.37-7	Administrative instructions; willow withes as plant ties prohibited on plants for entry from Europe and Canada.
319.24-2	Permits for entry of corn.	319.37-7a	Administrative instructions; packing materials for nursery stock, plants, and seeds.
319.24-3	Marking as condition of entry.	319.37-7b	Inspection.
319.24-4	Notice of arrival of corn by permittee.	319.37-8	Disinfection, a condition of entry.
319.24-5	Condition of entry.	319.37-9	Administrative instructions; information for prospective importers regarding the entry of foreign narcissus bulbs on and after December 15, 1936.
	SUBPART—Citrus fruit		
	Quarantine		
319.28	Notice of quarantine.		
	Regulations governing importation of oranges of the Mandarin class (including satsuma and tangerine varieties)		
319.28-1	Applications for permits.		
319.28-2	Permits for entry.		
319.28-3	Inspection, certification, and marking as a condition of entry.		
319.28-4	Notice of arrival by permittee.		
319.28-5	Reinspection on arrival.		
	SUBPART—Sweetpotato and yam		
319.29	Notice of quarantine.		

CHAPTER III—ENTOMOLOGY, PLANT QUARANTINE

Sec.		Sec.	
319.37-10	Notice of arrival by permittee.		SUBPART—Fruits and vegetables
319.37-10a	Administrative instructions; notices of shipment of nursery stock made a condition of entry.	319.56	Quarantine
319.37-11	Notice of shipment by permittee.		Notice of quarantine.
319.37-12	Marking a condition of interstate shipment of nursery stock and other plants and seeds not inspected.	319.56-1	Rules and regulations
319.37-13	Cancellation of permits for violation of regulations.	319.56-2	Definitions.
319.37-14	Special permits for importation in limited quantities of restricted plants.	319.56-2a	Restrictions on entry of fruits and vegetables.
319.37-14a	Administrative instructions; limitations on special-permit plant material entered for propagation purposes under § 319.37-14.	319.56-2b	Permits required for entry of chestnuts and acorns.
319.37-15	Permits for the importation of nursery stock and other plants and seeds from countries contiguous to the United States.	319.56-2c	Administrative instructions; conditions governing the entry of chestnuts and acorns.
	SUBPART—Indian corn or maize, broomcorn, and related plants	319.56-2d	Administrative instructions; restrictions affecting the importation and interstate movement of frozen-pack fruits.
	Quarantine	319.56-2e	Administrative instructions; sterilization of imported Vinifera grapes by refrigeration.
319.41	Notice of quarantine.	319.56-3	Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized.
319.41-1	Rules and regulations	319.56-4	Applications for permits for importation of fruits and vegetables.
319.41-2	Plant products permitted entry.	319.56-5	Issuance of permits.
319.41-3	Application for permits.	319.56-6	Notice of arrival by permittee.
319.41-4	Issuance of permits.	319.56-7	Inspection and disinfection of importations of fruits and vegetables.
319.41-5	Notice of arrival by permittee.	319.59	Inspection of baggage and cargo on the dock.
319.41-5a	Conditions of entry.		SUBPART—Flag smut
	Administrative instructions; method used for the disinfection of imported broomcorn and broomcorn brooms.	319.69	Notice of quarantine.
319.41-6	Importations by mail.		SUBPART—Packing materials
	SUBPART—Rice		Quarantine
	Quarantine	319.69-1	Notice of quarantine.
319.55	Notice of quarantine.	319.69-2	Rules and regulations
	Rules and regulations	319.69-3	Definitions.
319.55-1	Definitions.	319.69-4	Freedom from pests.
319.55-2	Application for permit.	319.69-5	Entry inspection.
319.55-3	Ports of entry.		Disposition of materials found in violation.
319.55-4	Issuance of permits.		Types of soil authorized for packing.
319.55-5	Notice of arrival by permittee.		SUBPART—Dutch elm disease
319.55-6	Inspection and disinfection at port of arrival.	319.70	Notice of quarantine.
319.55-7	Importations by mail.		

CROSS REFERENCE

Entry of vehicles from Mexico; enforcement of pink bollworm quarantine: See Part 320.

SUBPART—PINK BOLLWORM OF COTTON

QUARANTINE

Section 319.8 Notice of quarantine. Hereafter and until further notice by virtue of section 7 of the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 317; 7 U.S.C. 160), the importation for all purposes of cottonseed and cottonseed hulls from all foreign localities and countries excepting only the locality of the Imperial Valley in the State of Lower California in Mexico, is prohibited.* [Notice of Quarantine 8, May 28, 1913]

*§§ 319.8 to 319.70, inclusive, issued under the authority contained in sec. 7, 37 Stat. 317; 7 U.S.C. 160.

REGULATIONS GOVERNING ENTRY OF COTTONSEED, SEED COTTON, AND COTTON-SEED HULLS FROM IMPERIAL VALLEY

319.8-1 Application for permits. Persons contemplating the importation of cottonseed, seed cotton, and cottonseed hulls from the locality of the Imperial Valley in the State of Lower California, Mexico, shall first make application to the Bureau of Entomology and Plant Quarantine for a permit, stating in the application the name and address of the exporter, the quantity of cottonseed, seed cotton, or cottonseed hulls which it is desired to import, the name and address of the exporter, the locality where grown, and the name and address of the importer or his broker in the United States to whom the permit should be sent.*†

†In §§ 319.8-1 to 319.8-4, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Regulations governing the entry of cottonseed, seed cotton, and cottonseed hulls from the locality of the Imperial Valley in the State of Lower California, Mexico, Department of Agriculture, Mar. 7, 1917, effective July 1, 1917. (Amdt. No. 4, with regs., to Notice of Quarantine No. 8)

319.8-2 Permits for entry of cottonseed, seed cotton, and cottonseed hulls. On approval by the Secretary of Agriculture of an application for the importation of cottonseed, seed cotton, or cottonseed hulls from the locality of the Imperial Valley in the State of Lower California, Mexico, a permit will be issued in quadruplicate. One copy of the permit will be furnished to the applicant, to be retained by him for presentation on arrival of the cottonseed, seed cotton, and cottonseed hulls to the customs officer at the port of entry named in the permit; one copy will be mailed to the collector at the port of entry, one copy to the inspector of the Department of Agriculture at the port of entry, and the fourth filed with the application. Permits will be issued only for the port of Calexico.

Permits for the entry of cottonseed, seed cotton, and cottonseed hulls from the locality of the Imperial Valley in the State of Lower California, Mexico, may be refused and existing permits may be

canceled, unless effective quarantine measures are maintained by the proper Mexican authorities, prohibiting the entry into Lower California of cottonseed, seed cotton, cottonseed hulls, and lint cotton, baled or unbled, grown in other parts of Mexico or in foreign countries other than the United States.*†

319.8-3 Importer's or broker's report to the Secretary of Agriculture. Immediately upon the arrival of the cottonseed, seed cotton, or cottonseed hulls at the port of entry the permittee shall submit in duplicate notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the quantity of cottonseed, seed cotton, or cottonseed hulls entered in the shipment, the locality where grown, the name and address of the exporter or foreign shipper, and the date of arrival.*†

319.8-4 Conditions of entry of cottonseed, seed cotton, and cottonseed hulls. Cottonseed, seed cotton, and cottonseed hulls from the locality of the Imperial Valley in the State of Lower California, Mexico, shall not be entered or delivered to the importer or consignee until the collector of customs shall have received a notice in writing from an inspector of the Department of Agriculture that such cottonseed, seed cotton, and cottonseed hulls have been inspected by him, or under his direction, and found to be free from infestation. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the importer.*†

SUBPART—AVOCADO SEED

319.12 Notice of quarantine. On and after February 27, 1914, and until further notice, by virtue of section 7 of the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 317; 7 U.S.C. 160), the importation, from Mexico and the countries of Central America, of the seeds of the avocado or alligator pear, except for experimental or scientific purposes by the Department of Agriculture, is prohibited.* [Notice of Quarantine 12, Feb. 27, 1914]

SUBPART—SUGARCANE

319.15 Notice of quarantine. On and after October 1, 1934, under authority conferred by the Plant Quarantine Act approved August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended, the importation into the United States of canes of sugarcane, or cuttings or parts thereof, sugarcane leaves, and bagasse, from all foreign countries and localities, is prohibited: Provided, That this prohibition shall not apply to importations by the United States Department of Agriculture for scientific or experimental purposes, nor to importations of specific materials which the Department may authorize under permit on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their entry will involve no pest risk.* [Notice of Quarantine 15, rev., Sept. 20, 1934]

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.8-1.

SUBPART—CITRUS CANKER AND OTHER CITRUS DISEASES

319.19 Notice of quarantine. On and after September 1, 1934, and until further notice, by virtue of the Act of August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U.S.C. 151-167), as amended, the importation from all foreign localities and countries of citrus nursery stock, including buds and scions, except for experimental or scientific purposes by the Department of Agriculture, is prohibited.

The term "citrus" as used herein shall be understood to include only plants belonging to the tribe Citrinae, subfamily Citratae, of the family Rutaceae, which tribe comprises the following genera: Citropsis, Citrus, Eremocitrus, Fortunella, Microcitrus, Monanthocitrus, Pleurocitrus, and Poncirus.* [Notice of Quarantine 19, rev., Aug. 17, 1934]

SUBPART—CORN DISEASES

QUARANTINE

319.24 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that maize or Indian corn (*Zea mays* L.) and closely related plants are subject to certain injurious diseases, especially *Peronospora maydis* Raciborski, *Sclerospora sacchari* Miyake and other downy mildews; also the *Physoderma* diseases of maize, *Physoderma zeae-maydis* Shaw, and *Physoderma maydis* Miyake, new to and not heretofore widely prevalent or distributed within and throughout the United States, and that these diseases occur in southeastern Asia (including India, Siam, Indo-China and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Japan, and adjacent islands.

On and after July 1, 1916, and until further notice, by virtue of section 7 of the Act of Congress approved August 20, 1912, known as the "Plant Quarantine Act" (37 Stat. 317; 7 U.S.C. 160), the importation into the United States, in the raw or unmanufactured state, from southeastern Asia (including India, Siam, Indo-China and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Formosa, Manchuria, Japan, and adjacent islands, of seed and all other portions of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of *Teosinte* (*Euchlaena*), *Job's tears* (*Coix*), *Polytoca*, *Chionachne*, and *Sclerachne*, except for experimental or scientific purposes by the Department of Agriculture, except as provided in the regulations supplemental hereto, is prohibited.* [Notice of Quarantine 24, Apr. 29, 1916, as amended Mar. 1, 1917, and Apr. 23, 1917]

REGULATIONS GOVERNING ENTRY OF INDIAN CORN OR MAIZE

319.24-1 Applications for permits for importation of corn. Persons contemplating the importation of corn into the United States

shall, before shipping the corn, make application for a permit, on forms provided for that purpose, to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington, D. C., stating the name and address of the exporter, the country and locality where grown, the port of departure, the proposed port of entry, and the name and address of the importer or of the broker in the United States to whom the permit should be sent.*†

†In §§ 319.24-1 to 319.24-5, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Regulations governing the entry of Indian corn or maize from Japan and Manchuria, Department of Agriculture, Mar. 1, 1917, effective Apr. 1, 1917. (Amdt. No. 1, with regs., to Notice of Quarantine No. 24)

319.24-2 Permits for entry of corn. On approval of an application for the importation of corn a permit will be issued in quadruplicate. One copy will be furnished to the applicant for presentation to the customs officer at the port of entry, one copy will be mailed to the collector at the port of entry, one copy to the inspector of the Department of Agriculture at the port of entry, and the fourth will be filed with the application. All permits will be valid from date of issuance until revoked. Permits will be issued for the port of Seattle and such other ports as may be specified in the permits.

Further permits may be refused and existing permits revoked, if the application therefor does not correctly give the locality where the corn was grown, or is false or deceptive in any material particular.*†

319.24-3 Marking as condition of entry. Every bag or other container of corn offered for entry shall be plainly marked with such numbers or marks as will make it easily possible to associate the bags or containers with a particular importation.*†

319.24-4 Notice of arrival of corn by permittee. Immediately upon the arrival of the corn at the port of entry the permittee shall submit in duplicate notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the number of bags or other containers of corn included in the shipment, the bag or container numbers or marks, the country and locality where grown, the name and address of the exporter or foreign shipper, the port of departure, the date of arrival, the name of the ship or vessel, and the designation of the dock where the corn is to be landed.*†

319.24-5 Condition of entry. The corn shall not be removed from the port of entry, nor shall any bag or other container thereof be broken or opened, except for the purpose of sterilization, until a written notice is given to the collector of customs by an inspector of the Department of Agriculture that the corn has been properly sterilized and released for entry without further restrictions, so far as the jurisdiction of the Department of Agriculture extends thereto. All apparatus and methods for accomplishing such sterilization must be satisfactory to the Bureau of Entomology and Plant Quarantine. Corn will be delivered to the permittee for sterilization, upon the

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.24-1.

filing with the collector of customs of a bond in the amount of \$5,000, or in an amount equal to the invoice value of the corn if such value be less than \$5,000, with approved sureties, conditioned upon sterilization of the corn, under the supervision and to the satisfaction of an inspector of the Department of Agriculture, and upon the redelivery of the corn to the collector of customs within 40 days from the arrival of the same at the port of entry.*†

SUBPART—CITRUS FRUIT

QUARANTINE

319.28 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that there exists in eastern and southeastern Asia (including India, Siam, Indo-China, and China), the Malayan Archipelago, the Philippine Islands, Oceania (except Australia, Tasmania, and New Zealand), Japan (including Formosa and other islands adjacent to Japan), and in the Union of South Africa, a dangerous disease known as citrus canker, not heretofore widely prevalent or distributed within and throughout the United States.

On and after August 1, 1917, and until further notice, by virtue of the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 317; 7 U.S.C. 160), the importation into the United States from eastern and southeastern Asia (including India, Siam, Indo-China, and China), the Malayan Archipelago, the Philippine Islands, Oceania (except Australia, Tasmania, and New Zealand), Japan (including Formosa and other islands adjacent to Japan), and the Union of South Africa, of all species and varieties of citrus fruits excepting only oranges of the mandarin class (including satsuma and tangerine varieties), is prohibited, except for experimental or scientific purposes by the Department of Agriculture.

Oranges of the mandarin class (including satsuma and tangerine varieties), but no others, may be imported from the countries and localities above named only under the following regulations.* [Notice of Quarantine 28, June 27, 1917]

REGULATIONS GOVERNING IMPORTATION OF ORANGES OF THE MANDARIN CLASS (INCLUDING SATSUMA AND TANGERINE VARIETIES)

319.28-1 Applications for permits. Persons contemplating the importation of oranges shall, before shipping, make application for a permit on forms provided for that purpose, to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington, D. C., stating the name and address of the exporter, the country and locality where grown, the port of departure, the proposed port of entry, and the name and address of the importer or of the broker in the United States to whom the permit should be sent.*††

†In §§ 319.28-1 to 319.28-5, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Regulations governing the importation of oranges of the mandarin class (including satsuma and tangerine varieties) only, Department of Agriculture, June 27, 1917, effective Aug. 1, 1917. (Notice of Quarantine No. 28 (with regs.))

319.28-2 Permits for entry. On approval of an application, a permit will be issued in quadruplicate. One copy will be furnished to the applicant for presentation to the customs officer at the port of entry, one copy will be mailed to the collector at the port of entry, one copy to the inspector of the Department of Agriculture at the port of entry, and the fourth will be filed with the application. All permits will be valid from date of issuance until revoked. Permits will be issued for the port of Seattle and such other northern ports as may be specified in the permits.*†

319.28-3 Inspection, certification, and marking as a condition of entry. Entry will not be allowed unless the invoice is accompanied by a certificate issued by a duly authorized official of the country from which the oranges are exported, stating that the oranges covered by the certificate have been thoroughly inspected by him or under his direction and found to be free from visible infection with citrus canker, and, furthermore, that the plantation or orchard in which the oranges were grown does not show any evidence of the presence of this disease.

Permits for importation from any country or district may be revoked and further permits refused if it is found that the certificates do not correctly give the locality where the oranges are grown or are false or deceptive in any material particular, or if the oranges are found to be so infected as plainly to indicate that the foreign inspection is merely perfunctory.*†

319.28-4 Notice of arrival by permittee. Immediately upon the arrival of the oranges at the port of entry the permittee shall submit, in duplicate, notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the number of containers of oranges included in the shipment, the container numbers and marks, the country and locality where grown, the name and address of the exporter or foreign shipper, the port of departure, the date of arrival, the name of ship or vessel, and the designation of the dock where the oranges are to be landed.*†

319.28-5 Reinspection on arrival. All oranges imported under these regulations must be reinspected on arrival by an inspector of the Department of Agriculture, and such oranges are not to be released until a written notice is given to the collector of customs by said inspector that they have been inspected and found free from visible infection with citrus canker.

If on inspection the oranges prove to be plainly infected with citrus canker, the importer or his agent will be required to provide for their prompt export or destruction.*†

SUBPART—SWEETPOTATO AND YAM

319.29 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that certain injurious insects, new to and not heretofore widely prevalent or distributed within and throughout the United States, namely, sweetpotato weevils (*Cylas* spp.), occur in Cuba, Haiti, Jamaica, British

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.28-1.

Guiana, India, China, Cochin China, Friendly Islands, Sumatra, Formosa, Philippine Islands, Australia, Madagascar, and Liberia, and the sweetpotato scarabee (*Euscepes batatae*), occurs in the Barbados, Antigua, Nevis, St. Vincent, St. Kitts, Jamaica, Brazil, New Zealand, and Guam.

On and after January 1, 1918, and until further notice, by virtue of the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U.S.C. 151-167), the importation for any purpose of any variety of sweetpotatoes or yams (*Ipomoea batatas* and *Dioscorea* spp.) from the above-named and all other foreign countries and localities, is prohibited, except for experimental or scientific purposes by the Department of Agriculture: Provided, That the entry for immediate export, or for immediate transportation and exportation in bond, of sweetpotatoes and yams (*Ipomoea batatas* and *Dioscorea* spp.) of all varieties designated in this quarantine may be permitted in accordance with §§ 352.2-352.8.

This notice of quarantine shall not apply to the Territories of Hawaii and Puerto Rico.* [Notice of Quarantine 29, Dec. 18, 1917]

SUBPART—BANANA PLANTS

319.31 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that the banana root borer (*Cosmopolites sordidus* Germar), an injurious insect, new to and not heretofore widely prevalent or distributed within and throughout the United States, occurs in Jamaica, Trinidad, Dominica, Martinique, Guadeloupe, Barbados, Brazil, Philippine Islands, Fiji Islands, Sumatra, Java, Madagascar, Queensland, India, North Borneo, and British New Guinea.

On and after April 1, 1918, and until further notice, by virtue of the act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U.S.C. 151-167), the importation for any purpose, of any variety of banana plants (*Musa* spp.), or portions thereof, from the above-named and all other foreign countries and localities, is prohibited, except for experimental or scientific purposes by the Department of Agriculture: Provided, That the entry for immediate export, or for immediate transportation and exportation in bond, of banana plants (*Musa* spp.), or portions thereof, may be permitted in accordance with §§ 352.2-352.8.

This order places no restrictions on the importation of the fruit of the banana.* [Notice of Quarantine 31, Mar. 15, 1918]

SUBPART—BAMBOO

319.34 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that dangerous plant diseases, including the bamboo smut (*Ustilago shiraiana*), new to and not heretofore widely prevalent or distributed within and throughout the United States, occur in Japan, China, India, Philippine Islands, Australia, New Zealand, Oceania, Africa, Europe, South America, British West Indies, Cuba, and Central America.

On and after October 1, 1918, and until further notice, by virtue of the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U.S.C. 151-167), the importation for any purpose of any variety of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, from the above-named and all other foreign countries and localities, is prohibited, except for experimental or scientific purposes by the Department of Agriculture: Provided, that the entry for immediate export, or for immediate transportation and exportation in bond, of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, may be permitted in accordance with §§ 352.2-352.8.

This notice of quarantine does not apply to bamboo timber consisting of the mature dried culms or canes which are imported for fishing-rod, furniture-making, or other purposes, or to any kind of article manufactured from bamboo, or to bamboo shoots cooked or otherwise preserved.* [Notice of Quarantine 34, Aug. 8, 1918]

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

QUARANTINE

319.37 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that there exist in Europe, Asia, Africa, Mexico, Central and South America, and other foreign countries and localities certain injurious insects and fungous diseases new to and not heretofore widely distributed within and throughout the United States, which affect and are carried by nursery stock and other plants and seeds, the words "nursery stock and other plants and seeds", including, wherever used in this notice and the rules and regulations supplemental hereto, field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, also field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, and other plants and plant products for, or capable of, propagation.

On and after June 1, 1919, and until further notice, by virtue of the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U.S.C. 151-167), the importation of nursery stock and other plants and seeds from the above named and all other foreign countries and localities, except as provided in the rules and regulations supplemental hereto, is prohibited.

This quarantine shall not apply to nursery stock and other plants and seeds covered by special quarantines and other restrictive orders now in force, nor to the importation by the United States Department of Agriculture of nursery stock and other plants and seeds for experimental or scientific purposes.* [Notice of Quarantine 37, Nov. 18, 1918]

319.37a Entry of Chinese sacred lily into Hawaii authorized. Until further notice, bulbs of the Chinese sacred lily (*Tazetta orientalis*) may be imported into the Territory of Hawaii solely for

*For statutory citation, see note to § 319.8.

local use and distribution therein, free from the restrictions of § 319.37, under permit issued by an inspector of the Department of Agriculture, conditioned, however, on such inspection and disinfection as said inspector may, in his judgment, deem adequate to prevent the entry of injurious plant diseases or insect pests.* (Issued under § 319.37) [Order authorizing entry of Chinese sacred lily into Hawaii for forcing purposes, July 26, 1928]

RULES AND REGULATIONS

319.37-1 Definitions. For the purposes of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) **Nursery stock and other plants and seeds.** Field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs; also field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, and other plants and plant products for, or capable of, propagation.

(b) **Field seeds.** Seeds of cereal, forage, and other field crops.

(c) **Vegetable seeds.** Seeds of garden vegetables and other truck crops.

(d) **Flower seeds.** Seeds of annual, biennial, or even perennial flowering plants which are essentially herbaceous, namely, plants which perish annually down to, and sometimes including, the root (i. e., soft, succulent plants).

(e) **Seeds of hardy perennial plants.** Seeds of woody or other plants which are not herbaceous and are either of a hardy and woody growth or are not killed to the ground in temperate zones.

(f) **Bulbs and corms.** Bulb—an enlarged subterranean bud with fleshy scales or coats (for example, tulips, Spanish iris): Corm—an enlarged fleshy base of a stem, bulk-like but solid (for example, gladiolus, cyclamen, crocus).

(g) **Plant roots, rhizomes, tubers.** Plant roots—the more or less fibrous roots of any plant (for example, fruit seedlings, ornamentals, lily of the valley pips); rhizomes—a root stock or subterranean stem, usually fleshy and rooted at the nodes (for example, German iris, *Aspidistra*); tuber—a thickened, fleshy subterranean branch having numerous buds or eyes (for example, potatoes).

(h) **New varieties.** A new variety is understood to mean a novelty, i. e., a new plant, variety, strain, type, or form, either recognized by the trade as such or so listed or described in catalogs, trade journals, or other publications, or duly and properly certified as such by the originator or introducer.

(i) **Necessary propagating stock.** Stock of old or standard varieties not available in this country and imported for the multiplication of the plants in question as a nursery or florist enterprise as distinguished from importations for the immediate or ultimate sale of the stocks actually imported.

(j) **Limited quantities.** As used in § 319.37-14 "limited quantities" is understood to mean such quantities as will supply any

reasonable need for the establishment of commercial reproduction plantings or as may be necessary for the experimental, educational, or scientific purpose intended.*†

†In §§ 319.37-1 to 319.37-15, inclusive, (except for amendments noted in the text,) the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 37, governing the importation of nursery stock and other plants and seeds into the United States, Department of Agriculture, Dec. 17, 1930, effective Dec. 22, 1930.

319.37-2 Plant products and seeds for which permit is not required. Plant products capable of propagation, imported for medicinal, food, or manufacturing purposes, and field, vegetable, and flower seeds, except such products and seeds as are governed by special quarantines and other restrictive orders now in force and such as may hereafter be made the subject of special quarantines or restrictive orders, may be imported without permit or other compliance with the regulations in this subpart, when free from sand, soil, or earth: Provided, That any such articles may be made subject to entry only under permit and on compliance with the safeguards to be prescribed therein when it shall be determined by the Secretary of Agriculture that their entry for the purpose indicated may involve a risk of the introduction into the United States of injurious insect pests or fungous diseases. Such determination with respect to any such articles shall become effective after due notice.*†

319.37-2a Aglaonema may be entered only under permit. In accordance with the proviso of § 319.37-2 all species and varieties of Aglaonema may be imported from any foreign country and locality, on and after June 1, 1930, only under special permit and upon compliance with the provisions of § 319.37-14.* (Issued under § 319.37-2) [Notice of permit requirement for the entry of Aglaonema, May 8, 1930]

319.37-2b Seeds of Lathyrus and Vicia may be entered only under permit. In accordance with the provisions of § 319.37-2 seeds of all species and varieties of Lathyrus and Vicia may be imported from any foreign country and locality, on and after August 1, 1936, only under permit and upon the compliance with the provisions for the entry of tree and shrub seeds the importation of which is restricted by § 319.37-3.* (Issued under § 319.37-2) [Notice of permit requirement for the entry of seeds of Lathyrus and Vicia, July 20, 1936]

319.37-2c Administrative instructions; restrictions on the entry of cut flowers and decorative plant material. (a) Those cut flowers and decorative plant materials whose parts are capable of being used for propagation shall be included under the restrictions of the quarantine, and therefore may not be imported for purposes other than those specified in § 319.37-14.

(b) Except as governed by special quarantines now in force, or such as may hereafter be made the subject of special quarantines, cut flowers and decorative plant materials not capable of propagation may be imported without permit or other compliance with the regula-

*For statutory citation, see note to § 319.3.

†For source citation, see note to § 319.37-1.

tions under § 319.37 when free from sand, soil, or earth.* (Issued under § 319.37-2) [HB 183, May 8, 1924]

319.37-3 Nursery stock, other plants and parts of plants, including seeds, for which a permit is required. The following nursery stock, other plants and parts of plants, including seeds, not including, however, such other plants and parts of plants as are now or may hereafter be made the subject of special quarantines, may be imported, without limitation as to quantity or use, from countries which maintain inspection, under permit upon compliance with the regulations in this subpart:

(a) Bulbs, corms, or root stocks (pips) of the following genera: *Lilium* (lily), *Convallaria* (lily-of-the-valley), *Hyacinthus* (hyacinth), *Tulipa* (tulip), and *Crocus*; and, until further notice, *Chionodoxa* (glory-of-the-snow), *Galanthus* (snowdrop), *Scilla* (squill), *Fritillaria*, *Muscari* (grape-hyacinth), *Ixia*, and *Eranthis* (winter aconite); and, on and after December 15, 1936, *Narcissus* (daffodil and jonquil).

(b) Cuttings, scions, and buds of fruits or nuts: Provided, That cuttings, scions, and buds of fruits or nuts may be imported from Asia, Japan, Philippine Islands, and Oceania (including Australia and New Zealand) under the provisions of § 319.37-14 only. (Stocks of fruits or nuts may not be imported, under permit or otherwise.)

(c) Rose stocks, including *Manetti*, *Rosa multiflora* (brier rose), and *R. rugosa*.

(d) Nuts, including palm seeds for growing purposes: Provided, That such nuts or seeds shall be free from pulp.

(e) Seeds of fruit, forest, ornamental, and shade trees, seeds of deciduous and evergreen ornamental shrubs, and seeds of hardy perennial plants: Provided, That such seeds shall be free from pulp: Provided further, That citrus seeds may be imported only through specified ports subject to disinfection as provided in § 319.37-9: Provided further, That mango seeds may not be imported under permit or otherwise, except from the countries of North America, Central America, and South America, and the West Indies.

Importations from countries not maintaining inspection of nursery stock, other plants and parts of plants, including seeds, the entry of which is permissible under this section, may be made under permit upon compliance with the regulations in this subpart in limited quantities for public-service purposes only, but this limitation shall not apply to tree seeds.

(f) Materials permitted entry under § 319.56 for consumption purposes are authorized entry under this section for propagation.* [Reg. 3, R. & Regs., as amended Jan. 14, 1935]

319.37-4 Application for permits for importation of nursery stock and other plants and seeds.⁹ Persons contemplating the

* A post-office order dated May 27, 1913, as amended Dec. 16, 1913, prohibits the importation by mail of all growing or living plants, seeds, and other plant products for propagation, except field, vegetable, and flower seeds. All impor-

importation of nursery stock and other plants and seeds, the entry of which is permitted under § 319.37-3, shall first make application to the Bureau of Entomology and Plant Quarantine for a permit, stating in the application the exact designation of the nursery stock and other plants and seeds to be imported, the name and address of the exporter, the country and locality where grown, the port of entry, and the name and address of the importer in the United States to whom the permit should be sent.

Applications for permits should be made in advance of the proposed shipments, but if, through no fault of the importer, a shipment should arrive before a permit is received the importation will be held in customs custody at the risk and expense of the importer for a period not exceeding 20 days pending the receipt of the permit.

Plant material refused entry shall, at the expense of the owner or his agent, either be removed from United States territory immediately or, at the direction of the owner or his agent, abandoned to the collector of customs for destruction.

Applications may be made by telegraph, in which case the information required above must be given.

With the exception of the products enumerated under § 319.37-2, permits are required for nursery stock and other plants and seeds entering the United States for immediate transportation in bond to foreign countries.

Applications for permit to import nursery stock and other plants and seeds from countries which do not maintain inspection must contain a definite statement of the quantity to be imported. Permits for importations from such countries, other than for tree seeds (see § 319.37-3), will be issued only to cover limited quantities and the permit will be valid only for a single importation.*†

319.37-5 Delivery in bond pending receipt of permit will be allowed for shipment from countries maintaining inspection. If the required permit be not at hand upon arrival of a shipment from a country which maintains inspection, and such shipment meets the requirements of §§ 319.37-7 and 319.37-8, it may be delivered to the importer, consignee, or agent for the proper care thereof upon the filing of a bond with approved sureties in double the invoice value (but in no case less than \$100), the condition of which shall be that the importation shall not be removed from the port of entry, but shall be redelivered to the collector of customs within 20 days from the date of arrival at the port, unless in the meantime the collector is presented with a proper permit; or, if the importer, consignee, or agent shall so elect, the goods may, so far as the Department of Agri-

tations of nursery stock and other plants and seeds, other than field, vegetable, and flower seeds, must be made by freight or express.

This order was modified by a post-office order under date of July 28, 1924, to provide, on request, for importation by mail of material imported under the provisions of §§ 319.37-3, 319.37-14 and 319.37-15, but only under special shipping tags secured from the Department of Agriculture and bearing the address, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.37-1.

culture is concerned, be retained in customs custody for a period not exceeding 20 days, pending the issuance of the permit, wholly at the risk and expense of the importer.*†

319.37-6 Issuance of permits. On approval by the Secretary of Agriculture of an application for the importation of nursery stock and other plants and seeds a permit will be issued in quadruplicate. One copy will be furnished to the applicant for presentation to the customs officer at the port of entry, one copy will be mailed to the collector of customs, and one to the inspector of the Department of Agriculture at the port of entry, and the fourth will be filed with the application.

Permits shall be valid until revoked, unless otherwise specified therein, and will be issued for such ports as may from time to time be approved by the Bureau of Entomology and Plant Quarantine. The permit will be addressed to the collector of customs at the port for which it is issued.*†

319.37-7 Certification, marking, freedom from sand, soil, or earth, and approved packing material. The importation of nursery stock and other plants and seeds from countries which maintain inspection will not be allowed unless the invoice is accompanied by an original certificate, and unless each container bears a copy certificate issued by a duly authorized official of the country from which it is exported stating that the nursery stock and other plants and seeds covered by the certificate have been thoroughly inspected by him or under his direction at the time of packing, and found, or believed to be, free from injurious plant diseases and insect pests.

Each certificate and copy certificate shall give the date of inspection, name of the grower or exporter, the district or locality and the country where grown, and a statement that the nursery stock and other plants and seeds have been inspected by a duly authorized official and found, or believed to be, free from insect pests and plant diseases. The original certificate shall be signed and sealed by, and the copy certificate shall bear the seal and the actual or reproduced signature of, a responsible inspection official of the country of origin.

Lists of officials in foreign countries authorized to inspect nursery stock and other plants and seeds, giving their names and official designations, will be furnished to collectors of customs through the Secretary of the Treasury.

Each case, box, or other container or covering of nursery stock and other plants and seeds offered for entry shall be plainly and correctly marked to show the number of the permit, the general nature and quantity of the contents, the district or locality and country where grown, the name and address of the exporter, and the name and address of the consignee: Provided, That all importations of plants authorized under § 319.37-14 shall be addressed to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, at the port designated in the permit. In addition to the address, as indicated, such shipments shall be marked with the permit number and name of the importer.

All nursery stock and other plants and seeds offered for import must be free from sand, soil, or earth, and all plant roots, rhizomes, tubers, etc., must be freed by washing or other means from such sand, soil, or earth: Provided, That this requirement shall not apply to plants imported from Canada under § 319.37-15: Provided further, That sand, soil, or earth may be employed for the packing of bulbs, corms, seeds, and nuts when such sand, soil, or earth has been sterilized or otherwise safeguarded in accordance with the methods prescribed by the Bureau of Entomology and Plant Quarantine and is so certified by the duly authorized inspector of the country of origin. The use of such sand, soil, or earth as packing for plants other than bulbs, corms, seeds, and nuts is not authorized.

All packing materials employed in connection with importations of nursery stock and other plants and seeds are subject to approval as to such use by the Bureau of Entomology and Plant Quarantine. Such packing material must not previously have been used as packing or otherwise in connection with living plants, and except as provided in the preceding paragraph for bulbs, corms, seeds, and nuts, must be free from sand, soil, or earth, and must be certified as meeting these conditions by the duly authorized inspector of the country of origin.

If a package of nursery stock and other plants and seeds offered for entry includes any prohibited article, or if any of the plants have not been freed from earth, the entire package may be refused entry.* [Reg. 7, R. & Regs., as amended, Jan. 14, 1935]

319.37-7a Administrative instructions; willow withes as plant ties prohibited on plants for entry from Europe and Canada. The use of willow withes in any manner as packing material for such plant material is disapproved. On and after October 1, 1934, all plant material for propagation from Europe and Canada must be free from willow withes or it will be refused entry until such withes are removed. Shipments with such material present may be held in customs custody for a period not exceeding 40 days, during which period the permittee or his agent, after making satisfactory arrangements, may remove and dispose of the withes under the supervision of, and in a manner satisfactory to, an inspector of the Department of Agriculture, after which the shipment may be handled in the usual way.* (Issued under § 319.37-7) [BEPQ 365, Aug. 14, 1934]

319.37-7b Administrative instructions; packing materials for nursery stock, plants, and seeds. All packing materials employed in connection with importations of nursery stock and other plants and seeds under § 319.37 are subject to approval as to such use by the Bureau of Entomology and Plant Quarantine.

(a) **General packing materials for nursery stock, plants, and seeds.** Such materials as sphagnum, ground peat, coconut fiber, osmunda fiber, buckwheat hulls, cereal straw (except rice straw), cereal chaff (except rice chaff), excelsior, shavings, sawdust, and charcoal are authorized for use with nursery stock, plants, and seeds generally, provided they are free from sand, soil, or earth and have not been previously used as packing or otherwise with living plants.

*For statutory citation, see note to § 319.8.

Packing materials other than those specifically mentioned may be authorized when it has been determined that their use does not involve a risk of introducing insect pests and plant diseases.

(b) **Soil authorized as packing for bulbs, corms, nuts, and seeds.** Section 319.37-7 provides that the requirements as to freedom from sand, soil, or earth shall not apply to sand, soil, or earth used for packing the articles enumerated in § 319.37-3 (a), (d), (e) when such sand, soil, or earth has been previously sterilized or otherwise safeguarded in accordance with methods prescribed by the Bureau of Entomology and Plant Quarantine under the supervision of an authorized inspector of the country of origin, such sterilization or safeguarding to be certified to by the duly authorized inspector of such country of origin. This provision is also extended to bulbs and corms imported under special permit under § 319.37-14. It should be emphasized that the use of sterilized soil and of naturally sterile soil as described below is not authorized for plants or plant products other than bulbs, corms, nuts, and seeds.

(1) The prescribed method of sterilization is as follows: The sand, soil, or earth must be brought to a temperature of 100° C. and held at or above that temperature for a period of 1 hour. Any method which will maintain the heat throughout the whole mass at the required temperature for this length of time will be satisfactory to the Bureau. The sterilization must be performed under the supervision of a duly authorized inspector of the country of origin and must be certified to by such inspector.

(2) Under the provisions of § 319.37-7 for the use as packing with bulbs, corms, seeds, and nuts of soil which has been otherwise treated the following are authorized:

(i) Subsoil from Japan, collected and handled under the supervision of the imperial plant quarantine station at Yokohama, Japan, when certified by the director of that station that the subsoil has been taken from at least 2 feet below the surface, and that it has been sifted, dried, and stored so as to prevent contamination by insects and diseases.

(ii) Dune sand from Belgium and the Netherlands, taken from a depth of 5 feet or more below the surface and so certified by an inspector of the phytosanitary service of the country concerned.

(iii) Coral sand from Bermuda, uncontaminated by surface soil, and certified as such by the Director of Agriculture of Bermuda.* [Issued under § 319.37-7) [BEPQ 369, Feb. 27, 1935]

319.37-8 Inspection. In addition to the inspection at destination by the proper official of a State, Territory, or District of the United States, provided for in section 2 of the Plant Quarantine Act of 1912 (37 Stat. 316; 7 U.S.C. 156), nursery stock and other plants and seeds imported under §§ 319.37-3 and 319.37-15 shall be subject as a condition of entry to such preliminary inspection as shall be required by the Bureau of Entomology and Plant Quarantine: Provided, That nursery stock and other plants and seeds imported under §§ 319.37-3 and 319.37-15 from countries which do not maintain inspection shall not be delivered to the importer or consignee until they have been examined by an inspector of the Department of Agriculture and

found to be free from plant diseases and insect pests, or if infested, capable, in the judgment of the inspector, of being adequately safeguarded by disinfection.*†

319.37-9 Disinfection, a condition of entry. Nursery stock and other plants and seeds imported under §§ 319.37-3, 319.37-15 shall be subject, as a condition of entry, to such disinfection as shall be required by the inspector of the Department of Agriculture. When disinfection is required, the nursery stock and other plants and seeds involved will be delivered to the permittee for disinfection upon the filing with the collector of customs of a bond in the amount of \$5,000, or in an amount equal to the invoice value if such value be less than \$5,000, but in no case to be less than \$100, with approved sureties, the condition of which shall be that the nursery stock and other plants and seeds shall be disinfected under the supervision of an inspector of the Department of Agriculture; that no case or other container thereof shall be broken, opened, or removed from the port of entry unless and until a written notice is given to such collector by an inspector of the Department of Agriculture that the nursery stock and other plants and seeds have been properly disinfected; and that the importation shall be redelivered to the collector of customs within 40 days from arrival at the port of entry. All charges incident to inspection and disinfection, other than the services of the inspector, shall be paid by the importer.*†

319.37-9a Administrative instructions; information for prospective importers regarding the entry of foreign narcissus bulbs on and after December 15, 1936. In order to prevent the distribution within the United States of foreign narcissus bulbs infested with the bulb eelworm and at the same time to provide for unlimited entry as to number and variety, plant quarantine inspectors will require all imported narcissus bulbs to be given the latest approved treatment as a condition of entry.

Those in interest are informed that the plant quarantine inspector will construe the term "latest approved treatment" to consist of soaking the bulbs in water at a temperature of 70° to 80° F., preferably 75°, for a period of 2 hours, after which the bulbs are to be held in hot water until all the bulbs have reached a temperature of 110° to 111° F. throughout. The bulbs are then to be held in hot water at a temperature of not less than 110° F. for a period of 4 hours. As a precautionary measure to check the subsequent dissemination of diseases such as basal rot, a pint of formaline may be added for each 35 gallons of water, but the addition of the disinfectant is optional with the importer.

Treatment may be given at the port of first arrival or at any point designated in the permit, but the permittee will be required to have available at such place of treatment the services of a treating plant capable of treating the importation according to the method to be prescribed by the inspector, which is indicated above. The plant concerned may be owned, or contracted for, by the permittee. Applicants for permits to import narcissus bulbs are asked to state, when submitting the application for permit, the point and premises at

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.37-1.

which they propose to have the bulbs treated, naming the owner of the plant.

Furthermore, before an inspector will authorize the release of imported bulbs to such plant for treatment, the owner or operator of the treating plant will be asked to certify to the Bureau of Entomology and Plant Quarantine at Washington, D. C., that the plant is in good working order and will be available for use in treating the importation.

Shipments not to be treated at or in the vicinity of the port of first arrival may be released for movement in bond to the customs port nearest the premises at which the treatment is to be given. Shipments released from a port for delivery to a treating plant are to be held intact until the permittee has been instructed by a representative of the Bureau of Entomology and Plant Quarantine to proceed with the treatment.

All charges incident to such hot-water treatment are to be met by the importer or owner, but there will be no charges for the services of a plant quarantine inspector to supervise the treatment.* (Issued under § 319.37-9) [BEPQ 412, Sept. 16, 1936]

319.37-10 Notice of arrival by permittee. Immediately upon arrival of the nursery stock and other plants and seeds at the port of entry, the permittee shall submit in duplicate notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, date of entry, name of ship or vessel, the country and locality where grown, name of the foreign shipper, number of cases and marks and numbers on cases, the general nature and quantity of the nursery stock and other plants and seeds, the port of entry, and the name of the importer or broker at the port of entry.*†

319.37-10a Administrative instructions; notices of shipment of nursery stock made a condition of entry. Hereafter all nursery stock, plants, and seeds entered under § 319.37-3 will be refused entry unless and until the notices required in §§ 319.37-10 and 319.37-11 are fully made out and lodged with other entry papers with the Collector of Customs.* (Issued under § 319.37-10) [HB 134, Mar. 23, 1921]

319.37-11 Notice of shipment by permittee. After entry of the nursery stock and other plants and seeds and before removal from the port of entry for each separate shipment or consignment thereof the permittee shall notify the Secretary of Agriculture in duplicate, on forms provided for that purpose, stating the number of the permit, the date of entry, the port of entry, the customs entry number, name and address of the consignee to whom it is proposed to forward the shipment, the general nature and quantity of the nursery stock and other plants and seeds, the number of cases or other containers included in the shipment, and the case or container numbers and marks, together with the probable date of delivery for and route of transportation. A separate report is required for each ultimate consignee.

At the same time a copy of the notice to the Secretary of Agriculture shall be sent by the permittee to the duly authorized inspec-

tor or other officer of the State, Territory, or District to which the nursery stock and other plants and seeds are to be shipped.

Should a consignee named in such a notice ship or deliver for shipment to any other State, Territory, or District such nursery stock and other plants or seeds before they have been inspected by a duly authorized State, Territory, or District inspector or officer, he shall, prior to such shipment, give like notices to the Secretary of Agriculture and to the duly authorized inspector or other officer of the State, Territory, or District to which the nursery stock and other plants and seeds are to be reshipped.

Nursery stock and other plants and seeds which have been once inspected and passed by a duly authorized State, Territorial, or District inspector or other officer, will be allowed to move interstate without restrictions other than those imposed on the interstate movement of domestic nursery stock.*†

319.37-12 Marking a condition of interstate shipment of nursery stock and other plants and seeds not inspected. No person shall ship or deliver for shipment from one State, Territory, or District of the United States into any other State, Territory, or District any imported nursery stock and other plants and seeds, the case, box, package, crate, bale, or bundle whereof is not plainly marked so as to show the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown, unless and until such imported nursery stock and other plants and seeds have been inspected and passed by the proper official of a State, Territory, or District of the United States.*†

319.37-13 Cancellation of permits for violation of regulations. Permits may be canceled and further permits refused for the importation of the products of any grower or exporter who has violated the Plant Quarantine Act or any rules and regulations promulgated thereunder, or for the importation of the products of any country whose inspection is found by the Bureau of Entomology and Plant Quarantine as the result of its examinations of importations therefrom to be merely perfunctory, or for importations by any permittee who fails to give any notice required by the rules and regulations in this subpart, or for the giving of a false or incomplete notice, or the mislabeling of any shipment with intent to evade any provision of the Plant Quarantine Act or any rules and regulations thereunder.*†

319.37-14 Special permits for importation in limited quantities of restricted plants. Application may be made to the Secretary of Agriculture for special permits for the importation, in limited quantities and under conditions and safeguards to be prescribed in such permits, of nursery stock and other plants and seeds not covered by the preceding regulations, for the purpose of keeping the country supplied with new varieties and necessary propagating stock, or for any necessary experimental, educational, or scientific purpose: Provided, That this shall not apply to nursery stock and other plants and seeds covered by special quarantines and other restrictive orders now in force, nor to such as may hereafter be made the subject of special quarantines.

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.37-1.

The requirements of §§ 319.37-7 to 319.37-10, with respect to certification, marking, freedom from sand, soil, or earth, packing materials, inspection, disinfection, and notice of arrival shall apply also to importations authorized under special permits.*†

319.37-14a Administrative instructions; limitations on special-permit plant material entered for propagation purposes under 319.37-14. The limitations, effective July 17, 1931, fix the maximum quantity of each genus or type that may be imported for propagation by any permittee in any one year. Within this maximum quantity, species and named varieties not available in the United States may be imported in any quantity desired.

List of Representative Genera and Quantity Limits

GENUS	Yearly limits	GENUS—continued	Yearly limits
Acacia.....plants..	200	Ceanothus.....plants..	100
Acer.....do.....	500	Cedrus.....do.....	100
Aconitum.....roots..	500	Cephalotaxus.....do.....	100
Achimenes.....do.....	1, 000	Chamaecyparis.....do.....	100
Adlumia.....do.....	250	Chrysanthemum.....do.....	100
Adonis.....plants..	250	Cimicifuga.....roots..	250
Aesculus.....do.....	100	Clematis.....plants..	500
Agapanthus.....tubers..	100	Colchicum.....bulbs..	10, 000
Aglaonema.....stems..	10, 000	Colutea.....plants..	100
Allium.....bulbs....	1, 000	Corylus.....do.....	100
Alnus.....plants....	100	Cotoneaster.....do.....	100
Alstroemeria.....bulbs..	1, 000	Crassula.....do.....	250
Amaryllis.....do.....	5, 000	Crataegus.....do.....	100
Amygdalus (fl.).....cuttings..	1, 000	Cryptomeria.....do.....	100
Anchusa.....plants..	250	Cupressus.....do.....	100
Anemone.....roots....	1, 000	Cyclamen.....tubers..	1, 000
Do.....bulbs....	5, 000	Cydonia.....plants..	100
Antennaria.....plants..	250	Cyrtanthus.....bulbs..	1, 000
Anthurium.....do.....	5, 000	Cytisus.....plants..	100
Araucaria.....do.....	100	Dahlia.....tubers..	1, 000
Armeria.....do.....	250	Daphne.....plants..	100
Arum.....corms....	500	Delphinium.....roots..	1, 000
Asparagus.....roots..	500	Deutzia.....plants..	100
Aspidistra.....plants..	500	Dianthus.....do.....	250
Aster.....do.....	1, 000	Dictamnus.....do.....	250
Astilbe.....roots....	5, 000	Diervilla.....do.....	100
Azalea.....plants....	1, 000	Doronicum.....do.....	250
Begonia.....tubers....	5, 000	Dracaena.....stems....	10, 000
Do.....plants....	500	Enkianthus.....plants..	100
Berberis.....do.....	500	Epimedium.....do.....	250
Betula.....do.....	100	Eremurus.....roots....	500
Bignonia.....do.....	100	Erica.....plants....	500
Boehmeria.....roots....	1, 000	Erigeron.....do.....	250
Bravoa.....bulbs....	1, 000	Eryngium.....do.....	250
Buddleia.....plants..	100	Euonymus.....do.....	100
Caladium.....corms....	5, 000	Euphorbia.....do.....	250
Camassia.....bulbs....	1, 000	Fragaria.....do.....	1, 000
Camellia.....plants..	1, 000	Fraxinus.....do.....	100
Campanula.....do.....	1, 000	Freesia.....bulbs....	10, 000
Canna.....tubers....	500	Fuchsia.....plants..	100
Carpinus.....plants..	100	Gaillardia.....do.....	250
Castanea.....do.....	100	Gentiana.....do.....	500
Castanopsis.....do.....	100	Geum.....do.....	250
Catalpa.....do.....	100	Gladiolus ¹⁰corms..	5, 000

¹⁰ 5,000 cormels of Gladioli may be imported in lieu of 1,000 corms.

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GENUS—continued	Yearly limits	GENUS—continued	Yearly limits
Gloxinia.....tubers..	1, 000	Podocarpus.....plants..	100
Hamamelis.....plants..	100	Polygonum.....do.....	250
Hedera.....do.....	100	Populus.....do.....	100
Helenium.....do.....	250	Potentilla.....do.....	250
Helianthus.....do.....	250	Primula.....do.....	250
Helleborus.....roots..	500	Prunus (fl.).....cuttings..	1, 000
Hemerocallis.....do.....	250	Puschkinia.....bulbs..	1, 000
Heuchera.....plants..	250	Pyracantha.....plants..	100
Hibiscus (woody).....do.....	100	Pyrethrum.....do.....	500
Do. (herb.).....do.....	250	Pyrus (fl.).....cuttings..	1, 000
Hosta.....do.....	250	Quercus.....plants..	100
Hydrangea (p. g. var.) plants..	100	Ranunculus.....roots..	2, 000
Hydrangea (opuloides var.) plants..	500	Retinospora.....plants..	100
Hymenocallis.....bulbs..	1, 000	Rhamnus.....do.....	100
Ilex.....plants..	100	Rhododendron.....do.....	1, 000
Incarvillea.....do.....	250	Rhoeo.....do.....	5, 000
Iris.....rhizomes..	1, 000	Rohdea.....do.....	250
Do.....bulbs..	50, 000	Rosa.....do.....	3, 000
Juniperus.....plants..	100	Rubus.....do.....	500
Kalmia.....do.....	500	Salix.....do.....	100
Kniphofia.....do.....	250	Sansevieria.....do.....	500
Lachenalia.....bulbs..	1, 000	Sauromatum.....bulbs..	500
Lapeyrouisia.....do.....	1, 000	Saxifraga.....plants..	250
Leucocoryne.....do.....	10, 000	Scabiosa.....do.....	250
Leucojum.....do.....	1, 000	Schizophragma.....do.....	100
Ligustrum.....plants..	100	Schizostylis.....bulbs..	500
Lonicera.....do.....	100	Sedum.....plants..	250
Lychnis.....do.....	250	Sempervivum.....do.....	250
Lycoris.....bulbs..	1, 000	Skimmia.....do.....	100
Magnolia.....plants..	1, 000	Solanum.....do.....	250
Malus (fl.).....cuttings..	1, 000	Solidago.....do.....	100
Megasea.....plants..	250	Sorbus.....do.....	100
Milla.....bulbs..	10, 000	Sparaxis.....corms..	2, 500
Morus (orna.).....cuttings..	1, 000	Sprekelia.....bulbs..	1, 000
Nymphaea.....roots..	500	Stachys.....plants..	250
Orchid.....plants..	400	Sternbergia.....bulbs..	1, 000
Ornithogalum.....bulbs..	1, 000	Syringa.....plants..	1, 000
Orthosiphon.....plants..	100	Taxus.....do.....	100
Oxalis.....bulbs..	1, 000	Thalictrum.....do.....	250
Paeonia (herb.).....plants..	1, 000	Thuja.....do.....	100
Paeonia (woody).....do.....	1, 000	Thujopsis.....do.....	100
Papaver.....do.....	1, 000	Tigridia.....bulbs..	1, 000
Paradisea.....do.....	250	Tilia.....plants..	100
Parthenocissus.....do.....	100	Triteleia.....bulbs..	1, 000
Paulownia.....do.....	100	Tritonia.....do.....	2, 500
Pelargonium.....do.....	250	Trollius.....plants..	1, 000
Philadelphus.....do.....	1, 000	Tsuga.....do.....	100
Phillyrea.....do.....	100	Vallota.....bulbs..	1, 000
Phlox.....do.....	2, 000	Veronica.....plants..	250
Phormium.....do.....	1, 000	Viburnum.....do.....	1, 000
Photinia.....do.....	100	Vinca.....do.....	250
Physalis.....do.....	250	Viola.....do.....	1, 000
Picea.....do.....	100	Watsonia.....bulbs..	1, 000
Pieris.....do.....	500	Wisteria.....plants..	100
Platanus.....do.....	100	Zantedeschia.....corms..	5, 000

NOTE.—Plants capable of propagation by cutting, scions, or buds may be imported in these forms at the rate of five cuttings, scions, or bud sticks to one plant.

*(Issued under § 319.37-14) [PQCA 278, rev., July 14, 1931]

319.37-15 Permits for the importation of nursery stock and other plants and seeds from countries contiguous to the United States. When it is deemed by the Secretary of Agriculture that the importation from countries contiguous to the United States of any class or classes of nursery stock and other plants and seeds the entry of which is not provided for under §§ 319.37-2, 319.37-3 will not be attended by serious risk to the agriculture, horticulture, or floriculture of the United States, permits may be issued, on application, authorizing the entry of such nursery stock and other plants and seeds under such safeguards as may be prescribed in the permits: Provided, That importations under this section shall be limited to specific classes of nursery stock and other plants and seeds which can be considered as peculiar to or standard productions of such contiguous countries, as opposed to stock imported from foreign countries and held or grown on for later sale: Provided further, That this shall not apply to nursery stock and other plants and seeds governed by special quarantines and other restrictive orders, other than § 319.37, now in force, nor to such as may hereafter be made the subject of special quarantines: Provided further, That in addition to the certificate required by § 319.37-7, the invoice covering nursery stock and other plants and seeds offered for entry under this section must be accompanied by a certificate of a duly authorized official of the country of origin, stating that the nursery stock and other plants and seeds proposed to be exported to the United States have been produced or grown in the country from which they are proposed to be exported: Provided further, That cut flowers from the Dominion of Canada may be imported into the United States without permit or other restriction.*†

SUBPART—INDIAN CORN OR MAIZE, BROOMCORN AND RELATED PLANTS

QUARANTINE

319.41 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, that dangerous plant pests, including the so-called European corn borer (*Pyrausta nubilalis* Hubn.), and also other dangerous insects, as well as plant diseases not heretofore widely prevalent or distributed within and throughout the United States, exist, as to one or more of such pests, in Europe, Asia, Africa, Dominion of Canada, Mexico, Central and South America, and other foreign countries and localities, and may be introduced into this country through importations of the stalks or other parts of Indian corn or maize, broomcorn, and related plants.

Now, therefore, I, W. M. Jardine, Secretary of Agriculture, under the authority conferred by the Act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U.S.C. 151-167), do hereby declare that it is necessary, in order to prevent the further introduction of the dangerous plant pests mentioned above, to forbid, except as provided in the rules and regulations supplemental hereto, the importation into the United States from all foreign countries and localities of the stalk and all other parts,

whether used for packing or other purposes, in the raw or unmanufactured state, of Indian corn or maize (*Zea mays* L.), broomcorn (*Andropogon sorghum* var. *technicus*), sweet sorghums (*Andropogon sorghum*), grain sorghums (*Andropogon sorghum*), Sudan grass (*Andropogon sorghum sudanensis*), Johnson grass (*Andropogon halepensis*), sugar cane (*Saccharum officinarum*), including Japanese varieties, pearl millet (*Pennisetum glaucum*), napier grass (*Pennisetum purpureum*), teosinte (*Euchlaena luxurians*), and Job's tears (*Coix lachryma-Jobi*).

Hereafter, and until further notice, by virtue of said Act of Congress approved August 20, 1912, the importation into the United States of the stalk and all other parts of the plants enumerated above from all foreign countries and localities except as provided in the rules and regulations supplemental hereto, is prohibited.* [Notice of Quarantine 41, rev., Apr. 23, 1926]

RULES AND REGULATIONS

319.41-1 Plant products permitted entry.¹¹ Except as restricted from certain countries and localities by special quarantines and other orders now in force,¹² and by such as may hereafter be promulgated, the following articles may be imported:

(a) Subject only to the requirements of the first three paragraphs of § 319.41-5.

(1) Green corn on the cob, in small lots for local use only, from adjacent areas of Canada.

(2) Articles made of the stalks, leaves, or cobs of corn, when prepared, manufactured, or processed in such manner that in the judgment of the inspector no pest risk is involved in their entry.

(3) Corn silk.

(b) Upon compliance with the regulations in this subpart:

(1) Broomcorn for manufacturing purposes, brooms or similar articles made of broomcorn, clean shelled corn, and clean seed of the other plants covered by § 319.41.

(2) Corn on the cob, green or mature, from the provinces of Canada west of and including Manitoba,¹³ and from Mexico, Central America, South America, the West Indies, the Bahamas, and Bermuda.*†

†In §§ 319.41-1 to 319.41-6, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regu-

¹¹ Except as provided in § 319.41-6 the regulations in this subpart do not authorize importations through the mails.

¹² The entry of the following plants and plant products is prohibited or restricted by specific quarantines and other restrictive orders now in force.

(a) Living canes of sugarcane, or cuttings or parts thereof, from all foreign countries. (§ 319.15.)

(b) Seed and all other portions in the raw or unmanufactured state of Indian corn or maize (*Zea mays* L.), and the closely related plants, including all species of Teosinte (*Euchlaena*), Jobs-tears (*Coix*), *Polytoca*, *Chionachne*, and *Sclerachne*, from southeastern Asia (including India, Siam, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Taiwan (Formosa), Japan, and adjacent islands. (§ 319.24.)

¹³ A quarantine is maintained by Canada to prevent spread of the European corn borer from the infested eastern areas to the still uninfested Provinces west of Ontario.

*For statutory citation, see note to § 319.8.

lations supplemental to Notice of Quarantine No. 41 (second revision), governing the importation of Indian corn or maize, broomcorn, and seeds of related plants, Department of Agriculture, Feb. 10, 1933, effective Mar. 1, 1933.

319.41-2 Application for permits. Persons contemplating the importation of any of the articles specified in § 319.41-1 (b), shall first make application to the Bureau of Entomology and Plant Quarantine for a permit, stating in the application the name and address of the exporter, the country and locality where grown, the port of arrival, and the name and address of the importer in the United States to whom the permit should be sent. Unless otherwise stated in the permit, all permits will be valid from date of issuance until revoked.

Applications for permits should be made in advance of the proposed shipments; but if, through no fault of the importer, a shipment should arrive before a permit is received, the importation will be held in customs custody at the risk and expense of the importer for a period not exceeding 20 days pending the receipt of the permit.

Applications may be made by telegraph, in which case the information required above must be given.*†

319.41-3 Issuance of permits. On approval by the Secretary of Agriculture of such application a permit will be issued in quadruplicate.

For broomcorn and brooms or similar articles made of broomcorn, permits will be issued for the ports of Boston and New York and such other ports as may from time to time be designated by the Bureau of Entomology and Plant Quarantine.

For shelled corn and for seeds of the other plants listed in § 319.41 permits will be issued for ports where the Bureau of Entomology and Plant Quarantine maintains an inspection service, and for such other ports as may be designated by the Bureau of Entomology and Plant Quarantine.

For corn on the cob, green or mature, covered by § 319.41-1, (b) (2), permits will be issued for ports where the Bureau of Entomology and Plant Quarantine maintains an inspection service and for such other ports as may be designated by the Bureau of Entomology and Plant Quarantine.*†

319.41-4 Notice of arrival by permittee. Immediately upon arrival of the importation at the port of arrival the permittee shall submit in duplicate notice to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, date of entry, name of ship or vessel, railroad, or other carrier, the country and locality where grown, name of the foreign shipper, quantity or number of bales or other containers, and marks and numbers on containers, the port of arrival, and the name of the importer or broker at the port of arrival.*†

319.41-5 Conditions of entry. The entry of the articles covered by § 319.41-1 is conditioned on their freedom from the European corn borer and other injurious insects and plant diseases, and upon their freedom from contamination with plant materials prohibited entry

under other quarantines. All shipments of these articles shall be subject to inspection at the port of arrival by an inspector of the Bureau of Entomology and Plant Quarantine, in order to determine their freedom from such insects and diseases and from contaminating materials, and to such sterilization, grinding, or other necessary treatment as the inspector may prescribe. Should an importation be found on inspection to be so infested or infected or contaminated that, in the judgment of the inspector, it can not be made safe by sterilization or other treatment, the entire shipment may be refused entry.

When entry under sterilization or other treatment is permitted, the importation will be released to the permittee, upon the filing with the collector of customs of a bond in the amount of \$5,000 or in an amount equal to the invoice value, if such value be less than \$5,000, with approved sureties, the conditions of which shall be that the importation shall be sterilized or otherwise treated under the supervision of the inspector; that no bale or container thereof shall be broken, opened, or removed from the port of arrival unless and until a written notice is given to the collector by the inspector that the importation has been properly sterilized or treated; and that the importation shall be redelivered to the collector of customs within 30 days after its arrival.

Should a shipment requiring sterilization or other treatment under the provisions of the regulation in this subpart arrive at a port where facilities for such sterilization or other treatment are not maintained, such shipment shall either be promptly shipped under safeguards and by routing prescribed by the inspector to an approved port where facilities for sterilization or other treatment are available, or it shall be refused entry.

Other conditions of entry as applying to the certain classes of articles enumerated in § 319.41-1 are given in the following paragraphs:

(a) **Broomcorn.** All importations of broomcorn shall be so baled as to prevent breakage and scattering in connection with the necessary handling and sterilization; if in the judgment of the inspector they are not so baled, entry may be refused. All importations of broomcorn shall be subject to such sterilization or other treatment as the inspector may require.

(b) **Articles made of broomcorn.** Brooms or similar articles made of broomcorn shall be subject to sterilization unless their manufacture involves the substantial elimination of stems or such treatment of the included stems as in the judgment of the inspector shall preclude such articles from being the means of carriage of the European corn borer and of other injurious insects and plant diseases.

(c) **Shelled corn and other seeds.** If shipments of shelled corn and seeds of the other plants from countries other than those named in § 319.41-1 (b) (2) are found upon inspection at the port of arrival to be appreciably fouled with cobs or other portions of the plants the inspector may require sterilization or other treatment or may refuse entry.

(d) **Corn from Canada.** Shipments of corn from Canada shall be accompanied by an original certificate issued by a duly authorized official of the Canadian Department of Agriculture stating that the

material in question covered by the certificate was thoroughly inspected by him or under his direction at the time of shipment and was found, or is believed to be, free from infestation with the European corn borer and other insect pests and plant diseases and free from admixtures of cobs or other portions of the plant: Provided, That such certification may be waived as to Provinces or districts on the presentation of evidence satisfactory to the United States Department of Agriculture that such Provinces or districts have not been reached by the corn borer, such waiver to become effective at any authorized entry port (see § 319.41-3) upon the receipt of notification of such waiver from the Department of Agriculture by the customs collector of that port.*†

319.41-5a Administrative instructions; method used for the disinfection of imported broomcorn and broomcorn brooms. Broomcorn and articles made of broomcorn which are required to be treated, under the provisions of § 319.41-5, will be treated by one of the following methods:

(a) **Vacuum fumigation.** (1) The temperature of the stalks and of the fumigation chamber during the fumigation shall be not less than 60° F.

(2) The dosage for the fumigation shall be 3 pounds of liquid hydrocyanic acid or its equivalent per 1,000 cubic feet of space.

(3) The air pressure in the fumigation chamber shall be reduced to the equivalent of 2 inches of mercury (a 28-inch vacuum at sea level), after which the hydrocyanic acid shall be introduced and the low pressure held for the duration of the fumigation.

(4) The exposure shall be not less than 3 hours.

(b) **Steam sterilization.** (1) The air pressure in the treating chamber shall be reduced to the equivalent of 5 inches of mercury (a 25-inch vacuum at sea level).

(2) Steam shall then be introduced until a positive pressure of 10 pounds is obtained.

(3) The exposure to the 10-pound positive pressure of steam shall continue for a period sufficient to assure a constant temperature in all parts of the treating chamber, after which the steam may be shut off and the treating chamber exhausted of the uncondensed steam.* (Issued under § 319.41-5) [BEPQ 474, May 7, 1938]

319.41-6 Importations by mail. In addition to entries by freight or express provided for in § 319.41-5, importations are permitted by mail of (a) mature corn on the cob from the countries specified in § 319.41-1 (b) (2), (b) clean shelled corn and clean seed of the other plants covered by § 319.41: Provided, That a permit has been issued for the importation: Provided further, That each shipment is accompanied from the foreign mailing point by a special mailing tag, which will direct the package to a Bureau of Entomology and Plant Quarantine inspection station for inspection in accordance with § 319.41-5 before release to the mails for delivery to the importer. These special mailing tags will be furnished on request to the importer for transmission to his foreign shipper.*†

SUBPART—RICE

QUARANTINE

319.55 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given, (a) that injurious fungous diseases of rice, including downy mildew (*Sclerospora macrocarpa*), leaf smut (*Entyloma oryzae*), blight (*Oospora oryztorum*), and glume blotch (*Melanomma glumarum*), as well as dangerous insect pests, new to and not heretofore widely prevalent or distributed within and throughout the United States, exist, as to one or more of such diseases and pests, in Europe, Asia, Africa, Central America, South America, and other foreign countries and localities, and may be introduced into this country through importations of seed or paddy rice, rice straw, and rice hulls, and (b) that the unrestricted importation of seed or paddy rice from the Republic of Mexico and of rice straw and rice hulls from all foreign countries and localities may result in the entry into the United States of the injurious plant diseases heretofore enumerated, as well as insect pests.

Under authority conferred by the Act of Congress approved August 20, 1912, known as "The Plant Quarantine Act" (37 Stat. 315; 7 U.S.C. 151-167), as amended, the Secretary of Agriculture does hereby declare that it is necessary, in order to prevent the introduction into the United States of the insect pests and plant diseases referred to, to forbid the importation into the United States of seed or paddy rice from all foreign countries and localities except the Republic of Mexico, and to restrict the importation of seed or paddy rice from the Republic of Mexico, and of rice straw and rice hulls from all foreign countries and localities.

On and after November 23, 1933, by virtue of the said Act of Congress, the importation of seed or paddy rice into the United States from all foreign countries and localities except the Republic of Mexico is prohibited, and the importation of seed or paddy rice from the Republic of Mexico and of rice straw and rice hulls from all foreign countries and localities is forbidden except in accordance with the rules and regulations supplemental hereto.* [Notice of Quarantine 55, rev., Nov. 23, 1933]

RULES AND REGULATIONS

319.55-1 Definitions—(a) Seed or paddy rice. Unhusked rice in the form commonly used for seed purposes; the regulations in this subpart do not apply to husked or polished rice imported for food purposes.

(b) Port of first arrival. The first port within the United States where the shipment is (1) offered for consumption entry or (2) offered for entry for immediate transportation in bond.

(c) Inspector. An Inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.*†

†In §§ 319.55-1 to 319.55-7, inclusive, (except for the amendment noted in the text,) the numbers to the right of the dash correspond with the respective numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 550, the Rice Quarantine, Department of Agriculture, effective Nov. 23, 1933.

*For statutory citation, see note to § 319.8.

319.55-2 Application for permit. Application for a permit to import seed or paddy rice from Mexico or rice straw or rice hulls from any country, may be made to the Bureau of Entomology and Plant Quarantine, indicating in the application the locality where the desired material has been grown, the port of first arrival, and the name and address of the importer in the United States to whom the permit should be sent, if other than the applicant.

Applications for permits should be made in advance of the proposed shipments; but if, through no fault of the importer, a shipment should arrive before a permit is received, the importation will be held in customs custody at the port of first arrival, at the risk and expense of the importer, for a period not exceeding 20 days, pending the receipt of the permit.

Application may be made by telegraph, in which case the information required above must be furnished.*†

319.55-3 Ports of entry. For importations of seed or paddy rice from the Republic of Mexico, permits will be issued for entry through Mexican border ports and such other ports as may later be approved by the Bureau of Entomology and Plant Quarantine.

For importations of rice straw and rice hulls from all foreign countries, permits will be issued for entry at New York and Boston and at such other ports as may later be approved by the Bureau of Entomology and Plant Quarantine.

Should a shipment requiring treatment arrive at a port where facilities for such treatment are not maintained, such shipment shall either be promptly shipped under safeguards and by routing prescribed by the inspector to an approved port where facilities for treatment are available, or it shall be refused entry.*†

319.55-4 Issuance of permits. On receipt of an application, a permit will be issued in quadruplicate; one copy will be furnished to the applicant, one copy will be mailed to the collector of customs, and one to the inspector of the Bureau of Entomology and Plant Quarantine at the port of first arrival, and the fourth will be filed with the application.*†

319.55-5 Notice of arrival by permittee. Immediately upon the arrival of a shipment at the port of first arrival, the permittee or his agent shall submit a notice in duplicate to the Secretary of Agriculture, through the collector of customs, on a form provided for that purpose, stating the number of the permit, the quantity in the shipment, the locality where grown, the date of arrival, and, if by rail, the name of the railroad company, the car numbers, and the terminal where the shipment is to be unloaded, or, if by boat, the name of the vessel and the designation of the dock where the shipment is to be landed.*†

319.55-6 Inspection and disinfection at port of arrival—(a) Paddy rice. All importations of seed or paddy rice from Mexico shall be subject, as a condition of entry, to such inspection or disinfection, or both, at the port of arrival, as shall be required by the inspector, and to the delivery to the collector of customs by the

inspector of a written notice that the seed or paddy rice has been inspected and found to be apparently free from plant diseases and insect pests or that the required treatment has been given. Should any shipment of such seed or paddy rice be found to be so infested with insect pests or infected with plant diseases that, in the judgment of the inspector, it cannot be cleaned by disinfection or other treatment, the entire shipment may be refused entry.

(b) Rice straw and rice hulls. As a condition of entry, rice straw and rice hulls shall be subject to inspection and to treatment at the port of arrival, under the supervision of the inspector, by methods and at plants approved by the Bureau of Entomology and Plant Quarantine, and, as a further condition of entry, in order to permit effective treatment, the contents of packages or bales shall not be compressed to a density of more than 30 pounds per cubic foot. Rice straw and rice hulls will be admitted only at ports where adequate facilities are available for such treatment. The required treatment must be given within 20 days after arrival, but if any shipment of rice straw or rice hulls shall be found upon arrival to be dangerously infested or infected the inspector may direct immediate treatment under adequate safeguards; and, if the treatment and safeguards are not put into effect as directed, the shipment shall be removed from the country immediately or destroyed.

Unless, within 20 days after the date of arrival of a shipment at the port at which the formal entry was filed, the importation has received the required treatment, due notice of which shall be given to the collector of customs by the inspector, demand will be made by the collector for redelivery of the shipment into customs custody under the terms of the entry bond, and, if such redelivery is not made, the shipment shall be removed from the country or destroyed.

(c) General. All charges for storage, cartage, and labor incident to inspection and disinfection, other than the services of the inspector, shall be paid by the importer.

All shipments shall be so baled, bagged, or wrapped as to prevent scattering or wastage. If, in the judgment of the inspector, a shipment is not so bagged, baled, or wrapped, it shall be reconditioned at the expense of the permittee or entry may be refused.*† [Reg. 6, R. & Regs., as amended July 27, 1934]

319.55-7 Importations by mail. Sections 319.55-2 to 319.55-6, inclusive, provide for importations otherwise than through the mails. Importations of seed or paddy rice from Mexico, and of rice straw and rice hulls from all foreign countries and localities, may be made by mail, Provided (a) That a permit has been issued for the importation in accordance with §§ 319.55-2, 319.55-4 and (b) That each shipment is accompanied from the foreign mailing point by a special mailing tag directing the package to a Bureau of Entomology and Plant Quarantine inspection station for inspection and, if necessary, for treatment, before being released to the mails for delivery to the importer, unless entry is refused in accordance with the provisions of § 319.55-6. The special mailing tags will be furnished on request to the importer for transmission in advance to his foreign shipper.*†

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.55-1.

SUBPART—FRUITS AND VEGETABLES

QUARANTINE

319.56 Notice of quarantine. The fact has been determined by the Secretary of Agriculture, and notice is hereby given (a) that there exist in Europe, Asia, Africa, Mexico, Central America, and South America, and other foreign countries and localities, certain injurious insects, including fruit and melon flies (Trypetidae), new to and not heretofore widely distributed within and throughout the United States, which affect and may be carried by fruits and vegetables commercially imported into the United States or brought to the ports of the United States as ships' stores or casually by passengers or others, and (b) that the unrestricted importation of fruits and vegetables from the countries and localities enumerated may result in the entry into the United States of injurious insects, including fruit and melon flies (Trypetidae).

The Secretary of Agriculture, under authority conferred by the Act of Congress approved August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), does hereby declare that it is necessary, in order to prevent the introduction into the United States of certain injurious insects, including fruit and melon flies (Trypetidae), to forbid, except as provided in the rules and regulations supplemental hereto, the importation into the United States of fruits and vegetables from the foreign countries and localities named and from any other foreign country or locality, and of plants or portions of plants used as packing material in connection with shipments of such fruits and vegetables.

On and after November 1, 1923, and until further notice, the importation from all foreign countries and localities into the United States of fruits and vegetables, and of plants or portions of plants used as packing material in connection with shipments of such fruits and vegetables, except as provided in the rules and regulations supplemental hereto, is prohibited.

This section leaves in full effect all special quarantines and other orders now in force restricting the entry into the United States of fruits and vegetables with the exception of Quarantine No. 49, with regulations, on account of the citrus black fly, which is replaced by this section.* [Notice of Quarantine 56, Aug. 1, 1923]

RULES AND REGULATIONS

319.56-1 Definitions—(a) Fresh fruits and vegetables. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) Plants or portions of plants. Leaves, twigs, or other portions of plants, or plant litter or rubbish as distinguished from clean fruit, and vegetables, or other commercial articles.

(c) Port of first arrival. The first port within the United States where the shipment is (1) offered for consumption entry or (2) offered for entry for immediate transportation in bond.

(d) Inspector. An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.*†

†In §§ 319.56-1 to 319.56-7, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Revised rules and regulations supplemental to Notice of Quarantine No. 56, governing the importation of fruits and vegetables into the United States, Department of Agriculture, Nov. 14, 1936, effective Dec. 1, 1936.

319.56-2 Restrictions on entry of fruits and vegetables. All importations of fruits and vegetables must be free from plants or portions of plants, as defined in § 319.56-1 (b).

Dried, cured, or processed fruits and vegetables (except frozen fruits and vegetables), including cured figs, and dates, raisins, nuts, and dry beans and peas, may be imported without permit or other compliance with the regulations in this subpart: Provided, That any such articles may be made subject to entry only under permit and on compliance with the safeguards to be prescribed therein, when it shall be determined by the Secretary of Agriculture that the condition of drying, curing, or processing to which they have been subjected may not entirely eliminate risk. Such determination with respect to any such articles shall become effective after due notice.

Except as restricted, as to certain countries and districts, by special quarantines and other orders now in force and by such restrictive orders as may hereafter be promulgated, the following fruits may be imported from all countries under permit and on compliance with the regulations in this subpart: Bananas, pineapples, lemons, and sour limes. Grapes of the European or vinifera type and any vegetable, except as restricted by special quarantine as indicated above, may be imported from any country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture that such grapes and vegetables are not attacked in the country of origin by injurious insects, including fruit and melon flies (Trypetidae), or that their importation from definite areas or districts under approved safeguards prescribed in the permits can be authorized without risk.

The following additions and exceptions are authorized for the countries concerned to the fruits and vegetables listed in the preceding paragraph: Provided, That as to such additions and exceptions, the issuance of permits may be conditioned on presentation of evidence satisfactory to the United States Department of Agriculture that such fruits and vegetables are not attacked in the country of origin by injurious insects, including fruitflies and melon flies; or that their importation from definite areas or districts under approved safeguards prescribed in the permits can be authorized without risk.

(a) Frozen or treated fruits and vegetables from all countries. Upon compliance with the regulations in this subpart and with such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, fruits and vegetables which have been treated, or are to be treated, under the supervision of a plant quarantine inspector of the Department, will be permitted entry

*For statutory citation, see note to § 319.8.

under permit at such ports as may be specified in the permit, when, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, such importation may be permitted without pest risk.

(b) Commonwealth of Australia; States of Victoria, South Australia, and Tasmania. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from the States of Victoria, South Australia, and Tasmania under such conditions and at such ports as may be designated in the permits.

(c) New Zealand. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from New Zealand under such conditions and at such ports as may be designated in the permits.

(d) Japan. Upon compliance with the regulations under § 319.28, oranges of the mandarin class, including satsuma and tangerine varieties, may be imported from Japan at the port of Seattle and such other northern ports as may be designated in the permits.

(e) Mexico. Potatoes may be imported from Mexico upon compliance with the regulations issued under § 321.1.

(f) Argentina. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from Argentina under such conditions and at such ports as may be designated in the permits.

(g) Chile. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from Chile under such conditions and at such ports as may be designated in the permits.

(h) West Indies. Upon compliance with the regulations in this subpart, all citrus fruits from the West Indies may be permitted entry at such ports as may be designated in the permits.

(i) Jamaica. Entry of pineapples from Jamaica is restricted to the port of New York or such other northern ports as may be designated in the permits.

(j) Canada. Fruits and vegetables grown in the Dominion of Canada may be imported into the United States from Canada free from any restrictions whatsoever under the regulations in this subpart.

(k) General. In addition to the fruits, the entry of which is provided for in the preceding paragraphs of this section, such specialties as hothouse-grown fruits and other special fruits, which can be accepted by the United States Department of Agriculture as free from risk of carrying injurious insects, including fruitflies (*Trypetidae*), may be imported under such conditions and at such ports as may be designated in the permits.*†

319.56-2a Permits required for entry of chestnuts and acorns. Notice is hereby given that in accordance with the proviso to § 319.56-2, all species and varieties of chestnuts and acorns may be imported from any of the foreign countries or localities above mentioned, on and after September 1, 1929, only under permit and on compliance with the safeguards prescribed therein.* (Issued

under § 319.56-2) [Notice of permit requirement for entry of chestnuts and acorns from foreign countries, July 29, 1929]

319.56-2b Administrative instructions; conditions governing the entry of chestnuts and acorns. The entry and commercial distribution of chestnuts and acorns from all countries and localities, in addition to the permit requirement, is conditioned upon freedom of shipments of these nuts from the living larvæ of the European codling moth and chestnut weevils (*Balaninus* spp.) and other injurious insects.

All shipments upon arrival will be inspected, and if this examination reveals the presence of living insects in the nuts or in or on the containers, or on the docks in the immediate vicinity of the containers, all such shipments must be promptly exported, unless provision has been previously made for the disinfection of such shipments as a condition of entry, under methods and conditions approved by the Bureau. It is understood that these conditions shall include immediate availability of plants with capacity to handle the shipments promptly, and if hot water is used, provided with efficient driers, and that such plants shall be within the confines of the port of first arrival and at locations approved by the Bureau. In view of the necessity of having a Federal inspector at each plant, the number of such plants shall not exceed two at any port.

Shipments infested with living insects must be promptly moved to an approved treating plant under safeguards deemed necessary by the representatives of the Bureau.* (Issued under § 319.56-2) [BEPQ 344, Oct. 6, 1932]

319.56-2c Administrative instructions; restrictions affecting the importation and interstate movement of frozen-pack fruits. The importation into the United States and the interstate shipment from Hawaii and Puerto Rico of frozen fruits, other than those which may be entered in the fresh state, are authorized under the provisions of §§ 301.13-2, 319.56-2, 301.58-3 under the following restrictions and conditions:

(a) Importations and interstate shipments may be made only under permits issued in advance of shipment. Applications for permits should be made to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(b) The importation and interstate shipment is not authorized of fruits which may be subject to attack, in the area of origin, of plant pests for which the refrigeration treatment herein prescribed may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be completely effective.

(c) Fruit imported from foreign countries or shipped interstate from Hawaii or Puerto Rico under authority of this section must be frozen solid either before or after packing for shipment and must be at a temperature of 20° F., or below at the time of arrival.

(d) Such fruit may not be removed from the vessel transporting it until it has been determined by inspection by a representative of the Bureau of Entomology and Plant Quarantine that all parts of the shipment at the time of arrival registered a temperature of not more

*For statutory citation, see note to § 319.8.

than 20° F. and until it has been released by the said representative of the Bureau of Entomology and Plant Quarantine.

(e) If the fruit in any part of a shipment imported or shipped interstate under authority of this section is found to be above 20° F. at the time of the inspection required in paragraph (d) of this section, the entire shipment shall remain on the transporting vessel under such safeguards as may be prescribed by the representative of the Bureau of Entomology and Plant Quarantine until it attains the required temperature of 20° F. or below, or is transported beyond the territorial waters of the United States.

Since the temperature will be determined by thermometers, provision should be made for easy access to the interior of shipments so as to avoid unnecessary mutilation or destruction of containers. It is suggested therefore that cans, casks, or other types of packages of not more than 5-gallon capacity be employed wherever possible.

Applications should include information with respect to the process to be employed—whether the fruit is to be frozen prior to or after placing in the containers—and the approximate length of time that it will be exposed to a temperature of 20° F. or below while in transit.

This section does not affect the status of those fruits which may be imported or shipped interstate in the fresh state under the provisions of the rules and regulations supplemental to §§ 301.13, 319.56, 301.58. When such fruits are offered for entry or interstate movement in frozen condition they are subject only to the restrictions which apply to their entry or interstate movement as fresh fruits.* (Issued under § 319.56-2) [BEPQ 462, Sept. 15, 1937]

319.56-2d Administrative instructions; sterilization of imported Vinifera grapes by refrigeration. Recent experimental work by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has proved that all stages of the Mediterranean fruit fly in fruit will be destroyed if the fruit is subjected to the following treatment:

Cooling until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 12 days.

On the basis of the evidence obtained and under the authority of § 319.56-2 provision is hereby made for the entry, under permit, and sterilization at plants designated for the purpose, of grapes of the Vinifera type from regions in which the Mediterranean fruit fly occurs, at the port of New York and such other northern ports as may be subsequently approved, under the following conditions:

(a) The grapes must be packed in tight barrels or kegs or other approved containers so constructed as to prevent the escape from the containers pending sterilization, of any stages of the Mediterranean fruit fly, should they be present. Unsterilized grapes in broken containers must be immediately repacked under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine or the contents shall be immediately destroyed in a manner satisfactory to the inspector.

(b) Within 24 hours from the time of unlading, the grapes shall be delivered for treatment to a designated cold-storage plant.

The Bureau of Entomology and Plant Quarantine will designate only those cold-storage plants which are adequately equipped to handle and sterilize the grapes. An application and a written agreement in form prescribed must be filed with the Bureau of Entomology and Plant Quarantine as a condition for designation.

The sterilization of grapes and their movement to and from the sterilization rooms shall be done under the supervision of plant quarantine inspectors of the Bureau of Entomology and Plant Quarantine who shall at all times have access to the grapes.

Shipments offered for entry may be allowed to leave customs custody under redelivery bond for sterilization. Final release of the shipment by the collector of customs and cancelation of the bond will be effected after the inspector of the Bureau of Entomology and Plant Quarantine has notified the collector of customs that the required treatment has been given.

(c) For the purpose of additional safeguards and to eliminate possible risk that might be occasioned by breakage of containers, the entry of grapes is limited to the period from October 1 to April 15, when susceptible fruits will not be available for oviposition by fruit flies should any escape prior to the containers being placed in the approved sterilization chambers.

In authorizing the entry of Vinifera grapes into the United States subject to sterilization in accordance with the provisions of this section it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the grapes.

The treatment required for the entry of Vinifera grapes under the provisions of this section represents a requirement considered necessary to eliminate pest risks and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this section.* (Issued under § 319.56-2) [BEPQ 463, Sept. 15, 1937]

319.56-2e Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized. It has been determined that the refrigeration treatment prescribed in § 319.56-2d, as a condition for the entry of Vinifera grapes from regions in which the Mediterranean fruitfly occurs, can be completed while the fruit is in transit on ships equipped with adequate refrigeration facilities, provided the grapes have been cooled to the proper temperature before loading in refrigerated holds in the carrying vessels. It has also been determined that certain other deciduous fruits can be similarly treated.

The treatment prescribed in § 319.56-2d, requires the cooling of the grapes until the approximate center of the fruit in the package reaches a temperature of 34° F. and holding it at or below that temperature for a period of 12 days.

On the basis of the above determination and under the authority of § 319.56-2, grapes of the Vinifera type, and such other deciduous fruits as may be approved in the permit, which are prohibited entry

*For statutory citation, see note to § 319.8.

in the fresh state because of the Mediterranean fruitfly, may therefore be entered under the following conditions:

(a) Before being loaded they shall be cooled to a temperature of 32° F. under the supervision of an official designated by the Secretary of Agriculture, or one holding a comparable position, in the country concerned, in a plant approved for the purpose by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(b) The temperature of the grapes or other deciduous fruits shall in no case rise above 33° F. between the time they are taken from the precooling plant and the required refrigeration treatment is begun on the carrying vessel.

(c) The grapes or other deciduous fruits shall be held at a temperature of 34° F. or below for a period of 12 days. Such treatment shall be applied only in vessels which have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, and in particular holds or compartments designated by that Bureau for this purpose. Treatments must be completed in the holds or compartments in which they are begun.

(d) Each container of grapes or other deciduous fruits to be imported into the United States under the provisions of this section shall be marked by an appropriate label, or stencil, or stamp impression, which will enable identification at all times.

(e) A certificate shall be issued in triplicate by an official designated by the Secretary of Agriculture or one holding a comparable position, in the country concerned, indicating compliance with the provisions of paragraphs (a) and (b) of this section. In addition this certificate shall give the identifying marks prescribed in paragraph (d). The signatures and official position of those designated to sign this certificate shall be submitted to the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in quadruplicate.

(f) The original and one copy of the certificate required in paragraph (e) shall be verified by the American consul at the port of export and shall accompany the shipment and be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of entry. The third copy will be retained by the consular office verifying the certification.

(g) When requested, applicants for permits to import *Vinifera* grapes and certain other deciduous fruits under the provisions of this section shall furnish or arrange to have furnished, blue prints, plans, specifications, or such other information as may be deemed necessary for considering precooling plants or carrying vessels, for approval by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(h) When requested, provision shall be made to authorize representatives of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, to inspect and carry on such tests as may be deemed necessary in or on precooling plants and carrying vessels for which approval has been requested under the provisions of this section.

(i) No permits will be issued for the importation of Vinifera grapes or other deciduous fruits under the provisions of this section until the precooling plant at the port of loading and the hold, holds, or compartments of the carrying vessels in which the prescribed in-transit treatment is to be given have been approved by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(j) Carrying vessels must be equipped with approved temperature-recording instruments located, installed, operated, and maintained in a manner to be prescribed by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, for each vessel.

(k) Not more than 3 days prior to the lading of grapes or other deciduous fruits to be given in-transit sterilization as provided in this section, the temperature-recording instruments of the hold, holds, or compartments approved for the purpose shall be tested for accuracy by an official designated by the Secretary of Agriculture, or one holding a comparable position, in the exporting country, and the thermograph record shall bear an endorsement of said official in form approximately as follows:

Port of export -----

Date -----

The instruments installed for recording temperatures within compartment ----- of the S. S. or M. S. ----- which compartment is loaded with ----- covered by precooling certificate

No. ----- of the -----, were tested by me at the place
(Name of the certifying Government agency)

and on the date above indicated, and were accurate to within -----° F.
(If no adjustments were necessary, add a statement to that effect. If adjustments were made, add a statement indicating their character.)

Signature -----
(Title of certifying officer.)

(l) For entry under the provisions of this section, there shall be surrendered to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture at the port of transshipment or at the port of entry, the original thermograph record showing the temperatures maintained in the holds or compartments in which the fruit concerned was sterilized. When necessary, additional photostatic copies of such records shall be provided at the expense of the permittee.

(m) Vinifera grapes or other deciduous fruits to be imported into the United States under the provisions of this section shall not be unloaded from the carrying vessel until evidence satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has been furnished showing that the grapes or other deciduous fruits have received the refrigeration treatment prescribed in this section.

(n) Whenever grapes or other deciduous fruits are offered for entry under the provisions of this section and it cannot be established to the satisfaction of the inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture that they have received the required refrigeration treatment, they shall either remain on the vessel under safeguards prescribed by the

inspector of the Bureau of Entomology and Plant Quarantine and under seal of the Bureau of Entomology and Plant Quarantine, or they shall be transported beyond the territorial limits of the United States under such safeguards as shall be prescribed by the inspector.

(o) Vinifera grapes or other deciduous fruits may be imported under the provisions of this section throughout the year and no restrictions are placed on the character of containers in which they shall be packed.

(p) In authorizing the entry of Vinifera grapes and certain other deciduous fruits into the United States in accordance with the provisions of this section, it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to the fruit or its rejection. The treatment required for the entry of fruit under the provisions of this section represents a requirement considered necessary for the elimination of pest risk and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruit offered for entry under the provisions of this section.* (Issued under § 319.56-2) [BEPQ 464, Sept. 15, 1937]

319.56-3 Applications for permits for importation of fruits and vegetables. Persons contemplating the importation of fruits or vegetables the entry of which is authorized in the regulations in this subpart shall first make application to the Bureau of Entomology and Plant Quarantine for a permit, stating in the application the country or locality of origin of the fruits or vegetables, the port of first arrival, and the name and address of the importer in the United States to whom the permit should be sent.

Applications for permits should be made in advance of the proposed shipments; but if, through no fault of the importer, a shipment should arrive before a permit is received, the importation will be held in customs custody at the port of first arrival, at the risk and expense of the importer, for a period not exceeding 20 days pending the receipt of the permit.

Application may be made by telegraph, in which case the information required above must be given.

A separate permit must be secured for shipments from each country and for each port of first arrival in the United States.*†

319.56-4 Issuance of permits. On approval by the Secretary of Agriculture of an application for the importation of fruits or vegetables, a permit will be issued in quadruplicate; one copy will be furnished to the applicant for presentation to the customs officer at the port of first arrival, one copy will be mailed to the collector of customs and one to the inspector of the Department of Agriculture at the port of first arrival, and the fourth will be filed with the application. Unless otherwise stated in the permit, all permits will be valid from date of issuance until revoked.*†

319.56-5 Notice of arrival by permittee. Immediately upon the arrival of fruits or vegetables from the countries specified in the quarantine at the port of first arrival, the permittee or his agent shall submit a notice in duplicate to the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating

the number of the permit, the kinds of fruits or vegetables, the quantity or the number of crates or other containers included in the shipment, the country or locality where grown, the date of arrival, the name of the vessel, the name and number, if any, of the dock where the fruits or vegetables are to be unloaded, and the name of the importer or broker at the port of first arrival, or, if by rail, the name of the railroad, the car numbers, and the terminal where the fruits or vegetables are to be unloaded.

Permits may be revoked and other permits refused if the permittee or his agent fails to submit the notice of arrival or gives a false notice or in any other way violates the quarantine.*†

319.56-6 Inspection and disinfection of importations of fruits and vegetables. All importations of fruits or vegetables shall be subject, as a condition of entry, to such inspection or disinfection, or both, at the port of first arrival as shall be required by the inspector of the Department of Agriculture, and shall be subject to reinspection at destination at the option of said Department.

Should any shipment of fruits or vegetables be found to be so infested with fruit flies or other dangerous pests that, in the judgment of the inspector of the Department of Agriculture, it cannot be cleaned by disinfection or treatment, or to contain leaves, twigs, or other portions of plants as packing or otherwise, the entire shipment may be refused entry.

No crate, box, hamper, or other container of fruits or vegetables, or fruits and vegetables in bulk, shall be removed from the port of first arrival unless and until a written notice is given to the collector of customs by the inspector of the United States Department of Agriculture that the products have been inspected and found to be free from infestation and from plants or portions of plants used as packing or otherwise: Provided, That the requirements under the regulations in this subpart with respect to the entry of foreign fruits and vegetables into any State for local consumption shall not be a bar to the enforcement of such additional safeguards as may be deemed necessary by the officials of such States.

All charges for storage, cartage, and labor incident to inspection and disinfection, other than the services of the inspector, shall be paid by the importer.*†

319.56-7 Inspection of baggage and cargo on the dock. Inspectors of the United States Department of Agriculture are authorized to cooperate with the customs inspectors in the examination of all baggage or other personal belongings of passengers or members of crews of vessels or other carriers whenever such examination is deemed necessary for the purpose of enforcing the provisions of § 319.56 with respect to the entry of any prohibited or restricted fruits or vegetables or plants or portions of plants which may be contained in the baggage or other belongings of such persons.*†

SUBPART—FLAG SMUT

319.59 Notice of quarantine. The Secretary of Agriculture, in order to prevent the introduction into the United States of the flag smut disease (*Urocystis tritici* Kcke.), a plant disease not heretofore

*For statutory citation, see note to § 319.8.

†For source citation, see note to § 319.56-1.

widely prevalent or distributed within or throughout the United States, has determined that it is necessary to forbid the importation into the United States from India, Japan, China, Australia, Union of South Africa, Italy, and Spain, of all species and varieties of wheat (*Triticum* spp.) and wheat products, except such as have been so milled or so processed as to have destroyed all flag smut spores.

Now, therefore, under the authority conferred by the Act of Congress known as the Plant Quarantine Act of August 20, 1912, as amended by the Act of Congress of March 4, 1917 (39 Stat. 1165; 7 U.S.C. 160), and having duly given the public hearing as required thereby, he does hereby promulgate the aforesaid determination, effective February 1, 1926, and, thereafter, as provided in said Act of August 20, 1912, amended as aforesaid, the importation from India, Japan, China, Australia, Union of South Africa, Italy, and Spain, of all species and varieties of wheat (*Triticum* spp.) and wheat products, except such as have been so milled or so processed as to have destroyed all flag smut spores is prohibited.* [Notice of Quarantine 59, Dec. 31, 1925]

SUBPART—PACKING MATERIALS

QUARANTINE

319.69 Notice of quarantine. By virtue of the Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151–167), the public hearing required thereby having been duly held, notice is hereby given as follows:

(a) On and after July 1, 1933, the following plants and plant products, when used as packing materials, are prohibited entry into the United States from the countries and localities named:

- (1) Rice straw, hulls, and chaff; from all countries.
- (2) Corn and allied plants (maize, sorghum, broomcorn, Sudan grass, napier grass, jobs-tears, teosinte, Polytoca, Sclerachne, Chionachne); all parts, from all countries except Mexico, and the countries of Central America, the West Indies, and South America.
- (3) Cotton and cotton products (lint, waste, seed cotton, cottonseed, and cottonseed hulls); from all countries.
- (4) Sugarcane; all parts of the plant including bagasse, from all countries.
- (5) Bamboo; leaves and small shoots, from all countries.
- (6) Leaves of plants; from all countries.
- (7) Forest litter; from all countries.
- (8) Soil containing an appreciable admixture of vegetable matter, from all countries, except such types of soil or earth as are authorized as safe for packing by the rules and regulations promulgated supplemental to this quarantine.

Exceptions to the above prohibitions may be authorized in the case of specific materials which have been so prepared, manufactured, or processed that in the judgment of the inspector no pest risk is involved in their entry.

(b) On and after July 1, 1933, the following plants and plant products, when used as packing materials, will be permitted entry into the United States from the countries and localities named only

in accordance with the rules and regulations promulgated supplemental to this quarantine.

(1) Cereal straw, chaff, and hulls, other than rice (such as emmer, spelt, oats, barley, and rye); from all countries.

(2) Corn and allied plants (maize, sorghum, broomcorn, Sudan grass, napier grass, Jobs-tears, teosinte, Polytoca, Sclerachne, Chionachne); all parts, from Mexico and the countries of Central America, the West Indies, and South America.

(3) Willow twigs; from Europe.

(4) Grasses and hay and similar indefinite dried or cured masses of grasses, weeds, and herbaceous plants; from all countries.

(5) Soil containing an appreciable admixture of vegetable matter, from all countries, which is authorized as safe for packing by the rules and regulations promulgated supplemental to this quarantine.

This quarantine shall leave in full force and effect all other quarantines and orders.* [Notice of Quarantine 69, Feb. 20, 1933, as amended June 28, 1933]

RULES AND REGULATIONS

319.69-1 Definitions—(a) Packing materials. The expression “packing material”, as used in § 319.69, includes any of the plants or plant products enumerated, when these are associated with or accompany any commodity or shipment to serve for filling, wrapping, ties, lining, mats, moisture retention, protection, or for any other purpose; and the word “packing”, as used in the expression “packing materials”, shall include the presence of such materials within, in contact with, or accompanying such commodity or shipment.¹⁴

(b) Soil containing vegetable matter. Soil containing an appreciable admixture of vegetable matter, here brought under quarantine only because its content of decaying vegetation or plant remains carries a definite pest risk, is to be distinguished from soil of purely mineral or earthy composition, which is not covered by this quarantine.

(c) Inspector. An inspector of the United States Department of Agriculture.*†

†In §§ 319.69-1 to 319.69-5, inclusive, the numbers to the right of the dash correspond with the respective regulation numbers in Rules and regulations supplemental to Notice of Quarantine No. 69, Department of Agriculture, Feb. 20, 1933, effective July 1, 1933.

319.69-2 Freedom from pests. All packing materials allowed entry under restriction shall be free from injurious insects and plant diseases.*†

319.69-3 Entry inspection. All packing materials shall be subject to inspection at time of entry.*†

319.69-4 Disposition of materials found in violation. If the inspector shall find packing materials associated with or accompanying any commodity or shipment being imported, or to have been im-

¹⁴ Since it is the packing materials themselves which constitute the danger and not the manner of use, it is intended that the definition shall include their presence within or accompanying a shipment regardless of their function or relation to a shipment or the character of the shipment.

ported, in violation of § 316.69 or of the regulations in this subpart or shall find them infested or infected with injurious insects or plant diseases, he may refuse entry to the shipment, or he may seize and destroy or otherwise dispose of such packing material, or he may require it to be replaced, or sterilized, or otherwise treated.*†

319.69-5 Types of soil authorized for packing. The following types of soil or earth are authorized as safe for packing: (a) Peat, (b) peat moss, and (c) Osmunda fiber.*†

SUBPART—DUTCH ELM DISEASE

319.70 Notice of quarantine. By virtue of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), the public hearing required thereby having been duly held, notice is hereby given as follows: The importation into the United States from the Continent of Europe of the following articles is prohibited: (a) Seeds, leaves, plants, cuttings, and scions of elm and related plants; (b) logs of elm and related plants; (c) lumber, timber, or veneer of such plants if bark is present on them; (d) crates, boxes, barrels, packing cases and other containers, and other articles manufactured in whole or in part of the wood of elm or related plants, if the elm wood or wood of related plants is not free from bark.

Exceptions to the above prohibitions may be authorized for entry under permit under such conditions and regulations as the Secretary of Agriculture may prescribe, or when the particular article or material has been or is to be so treated, prepared, or processed that, in the judgment of the Secretary of Agriculture, its unrestricted entry involves no risk of pest introduction.

The expression "elm or related plants", as used herein means plants of all species and genera of the family Ulmaceae, including the genera *Ulmus*, *Celtis*, *Zelkova*, *Ampelocera*, *Aphananthe*, *Barbeya*, *Chaetachne*, *Chaetoptelea*, *Gironniera*, *Holoptelea*, *Lozanella*, *Parasponia*, *Phyllostylon*, *Planera*, *Pteroceltis*, *Trema*, and all species thereof.* [Notice of Quarantine 70, rev., Dec. 20, 1934]

PART 320—ENTRY OF VEHICLES FROM MEXICO: ENFORCEMENT OF PINK BOLLWORM QUARANTINE

Sec.		Sec.	
	Prohibition of importation of cotton and cottonseed from Mexico	320.3	Restrictions on entry of cars from Mexico.
320.1	Examination of passengers' baggage.	320.4	Certification of cars and freight, express, and other materials.
320.2	Disinfection of freight, express, and other shipments.	320.5	Cleaning required of domestic cars handling Mexican freight.
320.2a	Administrative instructions; fumigation of railway cars and other vehicles and freight, express, baggage, and other materials from Mexico.	320.6	State of Lower California, Mexico, exempt from the regulations in this part.

CROSS REFERENCE

Customs relations with contiguous foreign territory: See Customs Duties, 19 CFR Part 3.

PROHIBITION OF IMPORTATION OF COTTON AND COTTONSEED FROM MEXICO

Section 320.1 Examination of passengers' baggage. Such examination of passengers' baggage or other personal effects shall be made by inspectors of the Department of Agriculture, in cooperation with the customs service, at ports of entry on the Mexican border, as may be necessary to prevent the accidental or other carriage of cotton or cotton seed therewith and all baggage or other personal effects found contaminated with cotton or cotton seed shall be disinfected or freed from such contamination to the satisfaction of such inspectors and customs officers before entry thereof is permitted.*† [Reg. 1]

* §§ 320.1 to 320.6, inclusive, issued under the authority contained in 39 Stat. 1164.

†The source of § 320.1 to 320.6, inclusive, (except for the amendment and other source noted in the text,) is Rules and regulations prohibiting the movement of cotton and cottonseed from Mexico into the United States and governing the entry into the United States of railway cars and other vehicles, freight, express, baggage, or other materials from Mexico at border points, Department of Agriculture, Aug. 2, 1917. (SRA, HB 41)

320.2 Disinfection of freight, express, and other shipments. All freight, express, and other shipments from Mexico, except cars and contents covered in the first proviso to § 320.3 and merchandise or other materials covered by the proviso to § 320.4, which do not, in the judgment of the inspector of the Department of Agriculture, require disinfection, shall be disinfected or, in the case of living plants or animals, cleaned or disinfected under the supervision of an inspector of the Department of Agriculture in accordance with the directions of the Bureau of Entomology and Plant Quarantine.*† [Reg. 2]

320.2a Administrative instructions; fumigation of railway cars and other vehicles and freight, express, baggage, and other materials from Mexico. In accordance with § 320.2 on and after September 22, 1919, the old system of disinfection of cars and their contents by the pot method in the interior of the cars and the exterior cleansing of such cars shall be discontinued, and on and after said date the only fumigation that will be accepted as satisfying the disinfection requirements of the Bureau of Entomology and Plant Quarantine on the Texas-Mexican border shall be performed by employees of the Bureau of Entomology and Plant Quarantine.

On and after February 1, 1920, the employees of this Bureau are authorized to collect a fee, payable in advance, of \$4 for each railway car, including its contents, instead of \$5 as has been the practice since October 1, 1919, at which date this Department took over this work. Any unused fumigation coupons for which \$5 was collected by Federal employees in the hands of importers after January 31, 1920, will be redeemed at face value upon presentation to the inspector in charge at the port in question.

This section is not intended as a means of passing railway cars, vehicles, freight, express, or any other commodity if fouled with cottonseed, but is for the purpose of destroying larvae which may be contained in any undiscovered cottonseed; in other words, cotton seed which actually may be in cars which, from inspection, appear

*†For statutory and source citations, see note to § 320.1.

to be free from seed, and also to destroy any moths of the pink bollworm which may have gained lodgment in the cars or amongst the contents, either in transit through Mexico or while being held in the Mexican freight yards opposite the American port of entry. No cars or freight fouled with cottonseed are to be permitted entry into the United States under any circumstances whatever.* (Issued under § 320.2) [HB 112, Sept. 16, 1919 as amended by HB 118, Jan. 16, 1920]

320.3 Restrictions on entry of cars from Mexico. No cars, including freight, express, refrigerator, box, or other cars conveying merchandise or other materials from Mexico will be permitted to enter the United States except as hereinafter provided, and the transfer from such prohibited cars of freight, express, or other shipments for entry into the United States must be made on the Mexican side: Provided, That tank cars and cars which can be shown to the satisfaction of an inspector of the Department of Agriculture to be free from contamination with cotton or cottonseed and not to have been at any time in proximity to sources of pink bollworm infestation, and the contents of which can be shown to be unrelated to cotton, cottonseed, cottonseed cake, meal, and other cottonseed products, and to have originated in districts remote from pink bollworm infestation may be permitted under certification to enter the United States and proceed to destination therein: Provided further, That loaded cars other than those covered in the proviso immediately preceding may, on approval of the Bureau of Entomology and Plant Quarantine, be permitted to enter transfer yards in the United States immediately adjacent to the border for transfer of merchandise under such conditions of disinfection or cleaning as may be required by an inspector of the Department of Agriculture. Such cars, except those mentioned in the fourth proviso hereof, are prohibited entry into the interior of the United States, and must be returned to the Mexican side promptly after unloading, unless permission is granted by an inspector of the Department of Agriculture for their being temporarily held for the purpose of receiving merchandise destined for Mexico: and Provided further, That empty cars certified by an inspector of the Department of Agriculture as free from cottonseed may, under such conditions of disinfection as may be required by such inspector, be admitted to the immediately adjacent transfer yards in the United States for the purpose of receiving merchandise for immediate return to Mexico, and, correspondingly, domestic cars passing from the United States to the Mexican transfer yards immediately adjacent to the border to receive freight and express or other shipments transferred from Mexican cars will be permitted to reenter the United States under certification and such conditions of disinfection as may be required by such inspector: and Provided further, That domestic cars entering the United States under the second and third provisos hereof may be certified for movement into the interior of the United States subject to such additional cleaning and disinfection as may be required by such inspector.*† [Reg. 3]

320.4 Certification of cars and freight, express, and other materials. No railway cars included in the provisos to § 320.3 nor

other vehicles carrying merchandise or other materials, and no freight, express, or other materials from Mexico shall be allowed to enter the United States until such cars or other vehicles, and such freight, express, or other materials have been certified for entry by an inspector of the Department of Agriculture: Provided, That merchandise or other materials originating in or near the Mexican port opposite the United States port of entry, which, in the judgment of the inspector of the Department of Agriculture, convey no risk of carriage of the pink bollworm, may be passed without certification or disinfection.*† [Reg. 4]

320.5 Cleaning required of domestic cars handling Mexican freight. All domestic cars, prior to receiving, at border ports, freight, express, or other shipments originating in Mexico, shall be thoroughly freed from all cotton seed, and such seed shall be promptly burned under the supervision of an inspector of the Department of Agriculture.*† [Reg. 5]

320.6 State of Lower California, Mexico, exempt from the regulations in this part. The regulations in this part shall not apply to railway cars or other carriers or to baggage or other personal effects, freight, express, or other shipments originating in and shipped directly from the State of Lower California, Mexico.* [Reg. 6, SRA, HB 41, as amended Jan. 29, 1920]

PART 321—RESTRICTED ENTRY ORDERS

Sec.		Sec.	
	SUBPART—Foreign potatoes	321.106	Notice of arrival by permittee.
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321.4	Applications for permits for importation of potatoes.	321.111	Restrictions governing the entry of cotton from Imperial Valley, Lower California, Mexico.
321.5	Permits for entry of potatoes.	321.112	Importation of secondhand burlap or other fabric which has been used or of the kinds ordinarily used for wrapping cotton subject to restrictions.
321.6	Foreign certificate of inspection.	321.112a	Administrative instructions, conversion of certain classes of burlap into paper or other approved treatment as the equivalent of the disinfection required by § 321.112.
321.7	Notice of arrival of potatoes by permittee.	321.113	Revocation of permits and licenses.
321.8	Special provision for the importation of potatoes from the Dominion of Canada and Bermuda, the States of Chihuahua and Sonora, and the Northern Territory of Baja California, Mexico, into the United States.	321.114	Provision for entry of cotton from certain border districts of Mexico.
	SUBPART—Foreign cotton lint		
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*†For statutory and source citations, see note to § 320.1.

Sec.		Sec.	
321.115	Administrative instructions; cotton samples.		Rules and regulations
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	SUBPART—Cottonseed products from all foreign countries	321.204	Permits for entry.
	Order	321.205	Notice of arrival.
321.201	General order.	321.206	Conditions of entry.
321.202	Order; cottonseed oil from Mexico.	321.207	Entry of cottonseed oil from Mexico restricted.
		321.208	Imperial Valley, Lower California, Mexico, exempt from the regulations in this subpart.

SUBPART—FOREIGN POTATOES

Section 321.1 Order. The Secretary of Agriculture, under authority conferred by section 5 of the Act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 316; 7 U.S.C. 159), does hereby determine and declare that, on and after January 15, 1914, common or Irish potatoes imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of sections 1, 2, 3, and 4 of said Act of Congress.* [Order covering admission of foreign potatoes under restriction, Dec. 22, 1913]

*§§ 321.1 to 321.8, inclusive, issued under the authority contained in sec. 5, 37 Stat. 316; 7 U.S.C. 159.

IMPORTATION OF POTATOES

321.2 Definition. For the purpose of the regulations in this subpart the term "potato" shall be understood as meaning the common or Irish potato (*Solanum tuberosum*) and its horticultural varieties.*† [Reg. 1]

†The source of §§ 321.2 to 321.7, inclusive, is Regulations governing the importation of potatoes into the United States. Department of Agriculture, Feb. 28, 1922, effective Mar. 1, 1922.

321.3 General conditions governing potato importations. Except as provided under § 321.8, potatoes will be admitted from any country when it is determined by such field inspection as shall be approved as adequate by the Bureau of Entomology and Plant Quarantine, that such country is free from potato wart and other injurious potato diseases and insect pests new to or not widely prevalent or distributed within and throughout the United States, and such country must further agree to examine and certify all potatoes offered for export in compliance with the regulations in this subpart: Provided, That the entry of potatoes will not be permitted from any country unless such country has an effective quarantine prohibiting the entry into such country of potatoes from any country known to be invaded by the potato wart or other injurious potato diseases or insect pests new to or not widely prevalent or distributed within and throughout the United States.

Entry of potatoes will not be allowed unless the invoice is accompanied by an original certificate and unless each container bears a copy certificate in accordance with § 321.6.

Potatoes will be admitted into the United States only through the port designated in the permit.

The entry of potatoes will not be permitted except where the shipments pass directly from the country of origin to the port of entry in the United States: Provided, That when transshipment is necessary at a port of a country under quarantine such transshipment shall be made by lighters from boat to boat in the harbor without landing the potatoes, and the consular invoice of place of origin must follow the shipment from original port of departure to the port of entry in the United States.

No shipment of potatoes will be permitted entry until it has been examined by an inspector of the Department of Agriculture and found or believed to be free from the potato wart and other injurious potato diseases and insect pests.

Shipments of potatoes certified as provided herein found to be infested with potato wart or other injurious potato diseases, or with insect pests, will be refused entry.

All charges for storage, cartage, and labor incident to inspection other than the services of inspectors, shall be paid by the importer.

Except in case of bulk shipments, potatoes shall be contained only in bags, boxes, barrels, or other containers that have not previously been used for potatoes.*† [Reg. 2]

321.4 Applications for permits for importation of potatoes. Persons contemplating the importation of potatoes shall first make application to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington, D. C., for a permit, stating in the application the name and address of the exporter, the country and locality where grown, the port of departure (or port of consular invoice), the proposed port of entry, and the name and address of the importer in the United States to whom the permit should be sent.

Applications for permits must be made in advance of the shipment of the potatoes.

Applications may be made by telegraph, in which case the information required above must be given.*† [Reg. 3]

321.5 Permits for entry of potatoes. On approval by the Secretary of Agriculture of an application for the importation of potatoes a permit will be issued in quadruplicate. One copy of the permit will be furnished to the applicant, to be retained by him for presentation on the arrival of the imported potatoes to the customs officer at the port of entry named in the permit, one copy will be mailed to the collector at the port of entry, one to the inspector of the Department of Agriculture, and the fourth filed with the application. The beginning of the period for which a permit will be valid will be expressed in the permit. All permits will expire on the 30th day of June next after they become valid.

Permits for the entry of potatoes may be refused and existing permits may be canceled on proof that the certificate of inspection

*For statutory citation, see note to § 321.1.

†For source citation, see note to § 321.2.

does not correctly give the locality where the potatoes were grown, character of the shipment as to freedom from disease or insect infestation, or that the containers have been previously used for the shipment of potatoes.*† [Reg. 4]

321.6 Foreign certificate of inspection. Each certificate shall give the number of the permit; the date of inspection; name and address of the exporter; the district or locality and the country where grown; name and address of consignee; a statement that the potatoes were grown in a district free from infection with potato wart and have been certified by a duly authorized official to be free from potato wart and other injurious potato diseases and insect pests, and that they are contained in bags, boxes, barrels, or other containers that have not previously been used for potatoes, except as to bulk shipments. The original certificate shall be signed and sealed by a responsible inspection official for the country of origin. The copy certificate may be entirely printed, including the seal. The form of such certificate shall be as follows:

To whom it may concern:

This is to certify that the potatoes included in this shipment as per invoice attached, shipped under permit No. -----, consigned to -----
(Name and address of consignee)
 ----- shipped by -----, were
(Name and address of exporter)
 grown in -----, a district free from infection with
(District or locality and country)
 potato wart, are contained in bags, boxes, barrels, or other containers, except as to bulk shipments, not previously used for potatoes, and were certified by -----, to be free from
(Name of inspector) (Date and year)
 potato wart and other injurious potato diseases and insect pests.
 [SEAL] (Signed) -----

(Title of official inspector)

Permits may be canceled and further permits refused for the importation of potatoes from any country whenever such potatoes, in the judgment of the Bureau of Entomology and Plant Quarantine, are found to be so infested as plainly to indicate that the foreign inspection is merely perfunctory.

Lists of officials in foreign countries authorized to inspect potatoes, giving their names and official designations, will be furnished to collectors of customs through the Secretary of the Treasury.*† [Reg. 5]

321.7 Notice of arrival of potatoes by permittee. Immediately upon arrival and before unloading from the vessel or other carrier the permittee shall notify the Secretary of Agriculture, on forms provided for that purpose, stating the number of permit, the quantity of potatoes included in the shipment, the country and locality where grown, the name and address of exporter or shipper, the port of departure, the date of arrival, and the name of the ship or vessel if transported by water, and the designation of the dock where the potatoes are to be landed, and, if by rail, the name of the railroad company, the car numbers, and the terminal where the potatoes are to be unloaded. If the destination of the car is changed en route the

permittee shall immediately notify the Secretary of Agriculture of the final destination.

At the same time a copy of the notice to the Secretary of Agriculture shall be sent by the permittee to the duly authorized inspector of the department at the port of entry designated in the permit.

Permits may be canceled and other permits refused if the permittee fails to give either of said notices or gives a false notice.

Lists of such inspectors and officers may be ascertained from the collector of customs or the Bureau of Entomology and Plant Quarantine, Washington, D. C.*† [Reg. 6]

321.8 Special provision for the importation of potatoes from the Dominion of Canada and Bermuda, the States of Chihuahua and Sonora, and the Northern Territory of Baja California, Mexico, into the United States. Potatoes may be imported from the Dominion of Canada and Bermuda into the United States or any of its Territories or Districts, free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912.

Potatoes may be imported from the States of Chihuahua and Sonora, and the Northern Territory of Baja California, Mexico, into the United States, subject only to the following conditions and restrictions, which must be strictly observed and complied with:

(a) Persons contemplating the importation of potatoes from the States of Chihuahua and Sonora, and the Northern Territory of Baja California, Mexico, shall first make application for a permit, as prescribed in § 321.4, and upon approval by the Secretary of Agriculture of such application a permit will be issued.

(b) Importations from the States of Chihuahua and Sonora, Mexico, will be permitted entry through the ports of El Paso, Tex., and Douglas, Naco, and Nogales, Ariz., and such other ports as may be designated in the permit.

(c) Importations from the Northern Territory of Baja California, Mexico, will be permitted entry only through the ports of Calexico and San Ysidro, Calif., and such other ports as may be designated in the permit.

(d) The requirements contained in § 321.7 in regard to the sending of notice of arrival of shipment shall be complied with by the permittee.

(e) No shipment of potatoes from the States of Chihuahua and Sonora, and the Northern Territory of Baja California, Mexico, will be permitted entry until it has been examined by an inspector of the United States Department of Agriculture and found, or believed to be, free from dangerous potato diseases and insect pests.* [Reg. 7, Regs. governing importation of potatoes, as amended Oct. 31, 1936]

SUBPART—FOREIGN COTTON LINT

321.101 Order. The Secretary of Agriculture, under authority conferred by section 5 of the Act of Congress approved August 20,

*For statutory citation, see note to § 321.1.

†For source citation, see note to § 321.2.

1912, known as the Plant Quarantine Act (37 Stat. 316; 7 U.S.C. 159), does hereby determine and declare that on and after July 1, 1915, cotton lint, baled or unbaled, imported or offered for import into the United States or any of its Territories or Districts from Europe, Asia, Africa, South America, North America outside of the United States and from any other foreign localities or countries, shall be subject to all the provisions of sections 1, 2, 3, and 4 of said Act of Congress.* [Order covering admission of foreign cotton lint under restriction, Apr. 27, 1915]

*§§ 321.101 to 321.116, inclusive, issued under the authority contained in sec. 5, 37 Stat. 316; 7 U.S.C. 159.

IMPORTATION OF COTTON AND COTTON WRAPPINGS

321.102 Definitions. For the purposes of the regulations in this subpart the term "cotton" shall mean raw or unmanufactured ginned cotton, either baled or unbaled, including all cotton which has not been woven or spun or otherwise manufactured, such as all forms of cotton waste, including thread waste, card strips, willowed fly, willowed picker, picker or blowings, and chum and cotton waste, in any other form or under any other trade designation, and also including secondhand burlap or other fabric which has been used, or is of the kinds ordinarily used, for wrapping cotton.

For the purposes of the regulations in this subpart, the term "inspector" shall mean an inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.*† [Reg. 1]

†The source of §§ 321.102 to 321.114, inclusive, (except for amendments noted in the text.) is Rules and regulations governing the importation of cotton and cotton wrappings into the United States, rev., Feb. 24, 1923.

321.103 Applications for permits. Persons contemplating the importation of cotton into the United States shall make application for a permit to the Secretary of Agriculture, Washington, D. C., in advance of shipment, on forms provided for that purpose.

Permits will authorize the entry of cotton at the ports of Boston, Providence, New York, Seattle, Portland, Oreg., San Francisco, and Los Angeles, and at such other ports of entry as may be approved by the Bureau of Entomology and Plant Quarantine: Provided, That for cotton of the types not requiring disinfection as a condition of entry under the proviso to § 321.107, and under the two provisos to § 321.110, and for second-hand burlap and other fabric of the kinds ordinarily used for wrapping cotton for which disinfection or approved equivalent treatment is not required under the second proviso to § 321.112, permits will be issued for entry at the following additional ports: Philadelphia, Baltimore, Norfolk, Charleston, Savannah, Mobile, Gulfport, Miss., New Orleans, Houston, Galveston, Beaumont, Port Arthur, Niagara Falls, Buffalo, Port Huron, Detroit, Chicago, and Sumas, Blaine, and Bellingham, Wash.: Provided further, That for second-hand burlap or other fabric of the kinds ordinarily used for wrapping cotton which is to be treated under conditions prescribed by the Bureau of Entomology and Plant Quarantine in a manner equivalent to disinfection under the first

proviso to § 321.112, permits will be issued for entry at the additional ports of Philadelphia, Baltimore, Niagara Falls, Buffalo, Port Huron, Detroit, and Chicago.

Permits to authorize the entry of cotton via the United States for shipment to a foreign country will be issued under the provisions of §§ 352.1–352.8 as prescribed in the permit: Provided, That cotton which has been entered in bond for subsequent disinfection may be exported from the United States upon prior approval of, and under conditions to be prescribed by, the Bureau of Entomology and Plant Quarantine.

(a) If cotton falling under the regulations in this subpart is offered for entry at a port where the entry requirements cannot be met, provision must be made either for its prompt transfer to a port where the requirements of entry can be met, or for its removal forthwith from the port and the territorial waters of the United States. Transfers to other ports for compliance with the regulations, and the routing thereto, must be authorized by the Bureau of Entomology and Plant Quarantine.

(b) Under postal restrictions, the importation is authorized by samples, small packets, and parcel post of samples of raw or unmanufactured ginned cotton, including all forms of cotton-mill waste, when the parcels are securely wrapped to prevent leakage, and are conspicuously addressed to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, at Washington, D. C., San Francisco, Calif., or Seattle, Wash., and, if from Mexico, at Nogales, Ariz., El Paso, Laredo, or Brownsville, Tex., with the name and address of the ultimate addressee indicated in the lower left-hand corner of the wrapper of the parcel. Upon receipt of the parcels at the designated inspection offices of the Bureau of Entomology and Plant Quarantine, they will be examined and disinfected, and forwarded to the ultimate addressee.* [Reg. 2, R. & Regs. as amended Dec. 11, 1937]

321.104 Permits for entry. On approval of an application for the importation of cotton a permit will be issued. One copy will be furnished to the applicant; one copy will be mailed to the collector and one copy to the inspector at each port of entry involved; and a copy will be filed with the application.*† [Reg. 3]

321.105 Marking, a condition of entry. Every bale or other container of cotton offered for entry shall be plainly marked with such bale numbers and other marks as will distinguish the bales or containers from each other.*† [Reg. 4]

321.106 Notice of arrival by permittee. Immediately upon the arrival of the cotton at the port of entry the permittee shall submit, in duplicate, notices to the Secretary of Agriculture, through the collector of customs on forms provided for that purpose, stating the number of the permit, the number of bales or other containers of cotton included in the shipment, the bale or container numbers and marks, the country and locality where grown, the name and address of the exporter or shipper, the port of departure, the date of arrival, the customs entry number, and, if transported by water, the name of the ship or vessel and the designation of the dock where the cot-

*For statutory citation, see note to § 321.101.

†For source citation, see note to § 321.102.

ton is to be landed, and, if by rail, the name of the railroad company and the terminal where the cotton is to be unloaded.

(a) Notice of arrival to cover all cotton shown on bill of lading. In submitting the notices of arrival required by this section the permittee will list all the cotton which is expected on the vessel in question as shown by the bill of lading, whether or not the cotton so listed actually arrives on the boat on which it is expected. This makes it unnecessary to report the cotton as listed on the ship's manifest, or to determine by actual inspection whether all the cotton reported on the bill of lading has been shipped.

(b) Notice of arrival of short shipments. In the case of short shipments the permittee must continue to submit the notices of subsequent arrival of the cotton listed in the original bill of lading, indicating the permit and customs entry numbers covering the original entry and the name of the disinfection plant to which the cotton will be sent for disinfection.*† [Reg. 5]

321.107 Disinfection a condition of entry. Imported cotton must be disinfected, as a condition of entry, to the satisfaction and under the supervision of the inspector. Such cotton may be delivered to the permittee for such disinfection within the limits of the port of entry, upon the filing with the collector of customs of a bond in the amount of \$5,000, or in an amount equal to the invoice value of the cotton if such value be less than \$5,000, with approved sureties, conditioned upon such disinfection and upon the redelivery of the cotton to the collector of customs within 40 days from arrival of the same at the port of entry. The cotton shall not be moved from the limits of the port of entry nor shall any bale or other container thereof be broken or opened for sampling until so authorized by an inspector: Provided, That cotton which has been so manufactured as to have eliminated all seed, including cotton known as card strips and thread waste and other cotton which can be determined as having been so manufactured or which has been so processed by bleaching or dyeing as to have destroyed all insect life, will be inspected on arrival at the port of entry and, if found to comply as to grade with the requirements of this proviso and with the marking conditions required in § 321.105, will be released from further restriction under the regulations in this subpart.

Upon completion of disinfection of imported cotton in compliance with this section, such cotton shall be marked under the supervision of an inspector indicating such disinfection and may thereafter be distributed, forwarded, or shipped without restriction under the regulations in this subpart. Cotton held by a permittee for disinfection under the 40-day provision of this section must be stored under conditions approved by an inspector.* [Reg. 6, R. & Regs. governing importation of cotton and cotton wrappings, as amended Apr. 30, 1924]

321.108 Notice of shipment of undisinfected cotton by permittee. If, prior to disinfection of the cotton, the permittee desires to ship it out of the United States under authority of § 321.103, or to move it for approved storage, pending disinfection under the 40-day

provision of § 321.107, for each separate shipment or consignment thereof, the permittee shall notify the Secretary of Agriculture on forms provided for that purpose, stating the number of the permit, the date of entry, the customs entry number, the name and address of the consignee to whom it is proposed to forward the cotton, the number of bales or other containers included in the shipment, and the bale or container numbers and marks, together with the probable date of delivery for and route of transportation. This notice must be submitted in duplicate to the inspector at the port of entry before removal of the undisinfected cotton.*† [Reg. 7]

321.109 Licenses required for disinfection plants. Any person, firm, or corporation desiring to engage in the disinfection of cotton or other products the disinfection of which is required under the regulations in this subpart must secure a license from the Secretary of Agriculture. To secure such a license, application should be made on forms provided for that purpose.*† [Reg. 8]

321.110 Return to the United States of cotton previously exported therefrom. (a) Sections 321.102–321.109 apply to all cotton offered for entry irrespective of the country where grown: Provided, That cotton grown in the United States, if in its original containers, may be admitted under permit without disinfection on compliance with §§ 321.103–321.106, when evidence is submitted satisfactory to the Bureau of Entomology and Plant Quarantine that such cotton was grown in the United States and its entry, in the judgment of the Bureau of Entomology and Plant Quarantine does not involve danger to the cotton cultures of the United States:¹⁵ Provided further, That foreign cotton may be reentered into the United States under permit and without further disinfection on compliance with §§ 321.103–321.106, if in its original containers, when evidence is submitted satisfactory to the Bureau of Entomology and Plant Quarantine that the cotton was previously imported into the United States, disinfected under the provisions of the regulations in this subpart, and was subsequently moved from the confines of the United States.

(b) Applications for authority to enter without disinfection cotton falling under the provisos to § 321.110 should be accompanied by evidence consisting of copies of the bills of lading covering the shipment of the cotton to the foreign country, showing the marks and numbers on the bales, with a statement that the cotton is being returned in its original containers, and any other information which will aid the Bureau in determining whether the cotton is entitled to the benefit of either of the provisos to this section. Cotton which has been rebaled if returned must make full compliance with the disinfection requirements of the regulations in this subpart.*† [Reg. 9]

321.111 Restrictions governing the entry of cotton from Imperial Valley, Lower California, Mexico. Cotton grown in the

¹⁵ Cotton grown in quarantined areas in the United States. Cotton grown in the United States in areas quarantined on account of the pink bollworm or other insect pests of cotton and offered for entry into the United States, unless disinfected prior to export, must meet the conditions of the regulations in this subpart applying to foreign cotton.

*For statutory citation, see note to § 321.101.

†For source citation, see note to § 321.102.

Imperial Valley in the State of Lower California, Mexico, shall be subject to all the requirements of the regulations in this subpart: Provided, That such cotton will be admitted and may be distributed, forwarded, or shipped without restriction as long as it shall be determined by the Bureau of Entomology and Plant Quarantine that the pink bollworm does not exist in the State of Lower California, Mexico, and that effective quarantine measures are being maintained by the proper Mexican authorities prohibiting the entry into Lower California of cottonseed, seed cotton, cottonseed hulls, and cotton, baled or unbaled, grown in other parts of Mexico or in foreign countries other than the United States.

Permits for the entry of cotton grown in the Imperial Valley in the State of Lower California, Mexico, may be refused and existing permits revoked whenever it shall be determined by the Bureau of Entomology and Plant Quarantine that the provisions of the foregoing proviso are not being satisfactorily maintained.*† [Reg. 10]

321.112 Importation of secondhand burlap or other fabric which has been used or of the kinds ordinarily used for wrapping cotton subject to restrictions. Secondhand burlap or other fabric, under whatever name or trade designation, of the kinds ordinarily used for wrapping cotton shall be subject to all requirements of the regulations in this subpart: Provided, That material covered by this section may be permitted entry under permit without disinfection under conditions prescribed by the Bureau of Entomology and Plant Quarantine, when it is shown to the satisfaction of the Bureau that the material will be treated promptly in such a manner as will be equivalent to disinfection: Provided further, That secondhand or used burlap or other fabric of the kinds ordinarily employed for the wrapping of cotton but which has not been so used, and American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only, may be admitted under permit without disinfection.

(a) New or unused stock not covered by this section. This section does not apply to new or unused burlap or other fabric of the kinds ordinarily employed to wrap cotton.

(b) Conditions of entry under first proviso. The prompt conversion into paper or other approved treatment of material falling under this section will be considered the equivalent of disinfection, and material to be so converted or treated will be classed as falling under the first proviso to this section when its movement to the place of conversion or treatment will involve no risk to the cotton cultures of the United States. Upon approval of the process of conversion or treatment and of the movement involved and on receipt of an agreement to comply with the prescribed safeguards, a license will be issued. Full instructions governing the conditions of entry without disinfection under the first proviso to this section may be obtained upon application to the Bureau of Entomology and Plant Quarantine.

(c) Conditions of entry under second proviso. The second proviso covers (1) the entry of secondhand or used burlap or other fabric of the kinds ordinarily employed in wrapping cotton, but which has

not been so used, and (2) American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only. Under this proviso, therefore, the entry of secondhand cotton wrappings without disinfection is strictly limited to American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only. The entry without disinfection of other secondhand or used burlap or other fabric of the kinds ordinarily employed in wrapping cotton is limited strictly to such fabrics as have never been used as cotton wrappings.

(d) Mixed bales containing objectionable material must be disinfected or treated by approved equivalent method. In the case of American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only, if there appear attached to such gunny patches of the finer burlaps or gunnies when it is apparent that such finer materials are strictly in the nature of patches and represent such an inconsiderable proportion as not to affect the character of the bale as a whole, disinfection or approved equivalent treatment may not be required. This ruling does not apply, however, to bales of a mixed character which contain both American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only and the finer burlaps and gunnies, whether these latter have or have not been used as cotton wrappings. It is deemed thoroughly impracticable to determine by external inspection with any degree of accuracy the history of the finer gunnies in such mixed bales, and the disinfection of such bales, or approved equivalent treatment, will be required. Importers are therefore advised that the classes of burlaps, gunnies, etc., which may be entered without disinfection, or approved equivalent treatment, must be baled separately to secure the advantage of such entry.

(e) Classification of bagging in regard to disinfection. The classes of burlaps or other fabrics referred to may be listed as follows:

(1) Secondhand or used burlap or other fabric of the kinds ordinarily employed in wrapping cotton but which has not been so used. Disinfection not required.

(2) American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only. Disinfection not required.

(3) Cotton wrappings other than those included in class (2). When utilized under conditions prescribed by the Bureau of Entomology and Plant Quarantine, disinfection not required.

(4) All cotton wrappings not included in classes (2) and (3). Disinfection required.*† [Reg. 11]

321.112a Administrative instructions; conversion of certain classes of burlap into paper or other approved treatment as the equivalent of the disinfection required by § 321.112. Pursuant to the first proviso of § 321.112, the Bureau of Entomology and Plant Quarantine has authorized, as treatment equivalent to disinfection, the prompt conversion into paper of burlap or other fabric. Any other conversion or treatment proposed under this proviso to § 321.112,

*For statutory citation, see note to § 321.101.

†For source citation, see note to § 321.102.

must be submitted to the Bureau for prior approval. For such conversion the importers or dealers will be required to secure a license from the Bureau of Entomology and Plant Quarantine authorizing the movement of the imported material from the port of arrival to the mill for prompt conversion or treatment. Such movement will be permitted only to mills which have applied for and secured licenses from the Bureau authorizing them to receive and convert or to treat such materials.

Before the issuance of a license to an importer or a dealer in such materials, or to a mill for conversion or treatment, the importer, the dealer, or the mill will be required to guarantee to the Bureau of Entomology and Plant Quarantine the carrying out of all of the provisions of the above-named regulations and the following additional requirements in the case of each shipment which may be imported, purchased, or received.

(a) Whenever an inspector of the Bureau shall pronounce a lot of burlap or other fabric as requiring disinfection under § 321.112 the importer or dealer shall promptly elect and notify said inspector of his desire either (1) to have the material disinfected and released from further restriction, or (2) to dispose of it at once under restriction for prompt approved treatment.

(b) If the importer or dealer elects option (2) he may ship the material nowhere but to a licensed mill, though he may sell it to another licensed dealer at the same port of arrival who must then carry out the requirements of the regulations in this subpart.

(c) Upon the release of such material by an inspector of the Bureau of Entomology and Plant Quarantine the importer or dealer shall ship it promptly to the designated licensed mill in through railroad cars which contain no other material except such as will enter into similar manufacture at the mill in question, or he may move it by motor truck or lighter to near-by mills.

(d) The importer or dealer shall promptly notify the dealer to whom he may sell the material, or the mill to which he ships it, that it is disposed of under license for prompt approved treatment only, and shall furnish the said dealer or mill the entry number, the quantity, and the marks of the material shipped.

(e) Immediately upon the removal of the material from the port of arrival the importer or dealer will report at once to the Bureau of Entomology and Plant Quarantine, through its inspector at the port of arrival, the name of the licensed dealer to whom sold or the name and location of the licensed mill to which shipped, the entry number, the quantity, marks, date of shipment, and the numbers of the cars in which the material is shipped.

(f) A licensed mill receiving such material shall use it solely in the conversion or treatment process previously approved by the Bureau of Entomology and Plant Quarantine though in an emergency it may become a dealer and dispose of the material to another licensed dealer or licensed mill, shipping it direct only to the other licensed mill.

(g) The cars or other vehicles conveying the material to the mill shall be promptly unloaded, and immediately after unloading shall be carefully swept and cleaned and all refuse burned.

(h) The material shall be stored in a warehouse apart from all other material which is not to enter into similar manufacture, and shall be so marked, so located, or so designated that each shipment may be separately identified.

(i) The mill will make two reports direct to the Bureau of Entomology and Plant Quarantine, Washington, D. C., on each shipment; (1) when the shipment arrives and is unloaded it will report the name of the dealer, the entry number, the date of arrival, the quantity, the marks, the car numbers, the fact of the cleaning of the cars, and the name and location of the warehouse at the mill where stored; (2) when the shipment is consumed it will report the name of the dealer, the entry number, the quantity, the marks, and the date of completion of its consumption.

(j) Any duly authorized inspector of the Bureau of Entomology and Plant Quarantine, provided with an official badge, shall have authority to enter any dock, pier, railroad car, warehouse, or mill where any burlap or other fabric included in the regulations in this subpart may be, for the purpose of inspecting the same and identifying it or of witnessing the processes of its conversion or disinfection.

These requirements are a part of § 321.112 and any violation of them will make the dealer or the importer subject to the provisions of § 321.113.* (Issued under § 321.112) [HB 121, Oct. 1, 1923]

321.113 Revocation of permits and licenses. Permits and licenses may be refused, and existing permits and licenses revoked, for violation of any of the provisions of the regulations in this subpart.*† [Reg. 12]

321.114 Provision for entry of cotton from certain border districts of Mexico. Cotton grown in the Altar district in the State of Sonora and in the Rio Grande Valley from Juarez to the eastern line of the State of Chihuahua, and such other districts as may be subsequently approved by the Secretary of Agriculture, may be admitted into border districts in the United States which are under quarantine on account of the existence in such districts of the pink bollworm, or to such other border points as shall be approved by the Secretary of Agriculture. Such entry shall be governed by the requirements of §§ 321.102–321.110, inclusive, and § 321.113, and the additional requirements set forth in the following paragraphs of this section:

(a) Persons contemplating the importation of cotton into the United States from the districts indicated above shall make application for a permit, on forms provided for that purpose, to the Bureau of Entomology and Plant Quarantine, giving the name and address of the importer in the United States, and if the permit is to be sent to a broker, the latter's name and address also. On approval of such application a permit will be issued.

(b) As a condition of such entry all cotton must be well wrapped and baled; that is, to the satisfaction of the inspector of the Department of Agriculture.

*For statutory citation, see note to § 321.101.

†For source citation, see note to § 321.102.

(c) At the port of first arrival the cotton shall be entered under customs bond and immediately forwarded by routing prescribed in the permit to El Paso, Tex., or other points approved by this Department for disinfection.

(d) After disinfection at El Paso, or other points approved by this Department, such cotton, if intended for immediate shipment out of quarantined areas, shall be loaded from the fumigation chamber into cars which have been cleaned or disinfected to the satisfaction of the inspector of the Department of Agriculture. If it is desired to hold such disinfected cotton in the quarantined areas in the United States for subsequent shipment out of such areas, it shall be segregated as shall be required by the inspector of the Department of Agriculture, to prevent risk of reinfestation.* [Reg. 13, R. & Regs. governing importation of cotton and cotton wrappings, as added Dec. 8, 1924]

CROSS REFERENCE: For application and issuance of permits, see §§ 321.103, 321.104.

321.115 Administrative instructions; cotton samples—(a) Imported cotton samples should be listed on ship's manifest as "cotton samples" and should be packed separately. It has occasionally happened that cotton samples received by various permittees have been listed on the ship's manifest as "samples", such cotton sometimes being included in the same container with samples of other merchandise, so that it is impossible for the inspector to determine from the ship's manifest whether or not the cargo contains material requiring disinfection. In one instance it was found that a case of samples was entered at a Pacific port along with a number of cases of egg-yolk powder, and since there was nothing on the ship's manifest or the entry papers to indicate the presence of cotton in the shipment, it was allowed to go forward in bond to Chicago. Upon examination at the latter point it was found that the case contained, among other samples, a package of raw cotton, which, under the circumstances, it was necessary to forward in bond to New York for disinfection and final entry.

(b) Importers should instruct shippers regarding packing and listing of samples. Importers of cotton are requested to instruct their foreign shippers to pack cotton samples separately, and not to include them in a package or crate with other merchandise. The samples should be listed on the ship's manifest as "cotton samples", so that upon arrival at the port of entry the inspector may be advised of their presence in the ship's cargo.

(c) Entry of cotton samples not so listed or packed with other material to be refused. The entry of samples in the irregular manner indicated above does not comply with the conditions of entry prescribed by §§ 321.102–321.114, and, hereafter, entry will be refused to samples arriving in this manner. Any attempt to enter cotton samples under any other designation than "cotton" or to enter cotton packed in the same container with other material may lead to the necessity of revoking permits.* (Issued under §§ 321.102–321.114) [Modification of instructions contained in HB 90, Sept. 27, 1917, and issued as an appendix to §§ 321.102–321.114 under the title "Supplemental Instructions."]

321.116 Administrative instructions; wastage. A very considerable amount of leakage or wastage occurs in the process of unloading and handling foreign cotton on the docks, transportation to disinfection plants, in storage pending disinfection, and in the disinfection plants themselves pending disinfection.

Such waste is especially noteworthy in the case of Mexican cotton. This cotton is inadequately hooped with iron over an insufficient wrapper of coarse sisal-fiber netting, in most instances but a few shreds of this netting remaining. The bales themselves become merely ragged masses of cotton of such character that the wastage in handling is constant and enormous. In view of the fact that Mexico is known to be infested with the pink bollworm, this condition of the bales adds a very large new element of risk. The instructions here given apply, however, to all wastage from imported cottons.

(a) Care should be exercised in handling cotton to avoid waste. Permittees and persons in charge of disinfection plants are urged to use great care in the handling of cotton to avoid waste, and are instructed to provide for the prompt and regular collection of such waste on the docks or other places of unloading and between such places of landing or unloading and the disinfection plants or places of temporary storage in such plants or elsewhere, including the sweeping of cars and clean-up of outdoor areas where such wastage may occur in the process of handling, and all wastage in disinfection plants.

(b) Mixed wastage coming from undisinfected foreign cotton and American cotton or disinfected foreign cotton to be treated as undisinfected. If undisinfected foreign cotton is stored with American or disinfected foreign cotton pending disinfection, all wastage from such storage places must necessarily be treated as undisinfected foreign cotton and therefore become subject to the restrictions herein set forth. Leakage from disinfected and undisinfected cotton occurring in disinfection plants must be treated as undisinfected foreign cotton subject to the restrictions herein set forth.

(c) Baling, marking, and disinfection of wastage required. All such wastage must be properly bagged or baled and must be disinfected promptly. The bags, bales, or other containers must be marked with such marks and numbers as will distinguish them from each other and indicate the disinfection plant or place of collection and that the material contained is such collected waste.

(d) Notice of collection of wastage. Notice of collection of such wastage with full description must be made in duplicate to the inspector at the port of entry on a form corresponding to the notice of arrival of cotton (§ 321.106). Notification should be made weekly, where practicable, and in no case should report of collection of a bag or bale of wastage be delayed more than a month.

(e) Cleaning of lighters, cars, trucks, etc., used for transporting imported cotton. Lighters, cars, trucks, or other means of conveyance used for the transportation of cotton from landing docks to disinfection plants must be thoroughly swept out immediately upon unloading and the sweepings either burned or collected and disinfected.

(f) **Compliance to be under supervision of inspector.** Compliance with the conditions outlined above is to be made under the supervision of an inspector.* (Issued under §§ 321.102–321.114) [Modification of instructions contained in HB 78, Feb. 8, 1917, and issued as an appendix to §§ 321.102–321.114 under the title “Supplemental Instructions.”]

SUBPART—COTTONSEED PRODUCTS FROM ALL FOREIGN COUNTRIES

ORDERS

321.201 General order. The Secretary of Agriculture has determined that the unrestricted importation of cottonseed cake, meal, and all other cottonseed products, except oil, from all foreign countries, may result in the entry into the United States, its Territories and Districts, of injurious insects, including the pink boll worm (*Pectinophora gossypiella*).

The Secretary of Agriculture, under authority conferred by the Act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U.S.C. 151–167), does hereby determine and declare that on and after July 16, 1917, cottonseed cake, meal, and all other cottonseed products, except oil, imported or offered for import into the United States or any of its Territories or Districts, from all foreign countries, shall be subject to all the provisions of sections 1, 2, 3, and 4 of said Act of Congress.** [Order restricting admission of cottonseed cake, meal, and all other cottonseed products, except oil, from all foreign countries, June 23, 1917]

**§§ 321.201 to 321.208, inclusive, issued under the authority contained in sec. 5, 37 Stat. 316; 7 U.S.C. 159.

321.202 Order; cottonseed oil from Mexico. The Secretary of Agriculture, under authority conferred by the Act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 315; 7 U.S.C. 151–167), does hereby determine and declare that on and after July 16, 1917, cottonseed oil imported or offered for import into the United States or any of its Territories or Districts, from Mexico, shall be subject to all the provisions of sections 1, 2, 3, and 4 of said Act of Congress.** [Order restricting admission of cottonseed oil from Mexico, June 23, 1917]

RULES AND REGULATIONS

321.203 Applications for permits. Persons contemplating the importation of cottonseed cake, meal, and other cottonseed products, except oil,¹⁶ into the United States shall make application for a permit on forms provided for that purpose to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington, D. C., stating the name and address of the exporter, the country and locality of origin, the port of departure, the proposed port of entry, and the name and address of the importer or of the broker in the United States to whom the permits should be sent.

¹⁶ But see § 321.207.

*For statutory citation, see note to § 321.101.

**For statutory citation, see note to § 321.201.

Permits will be required for cottonseed cake, meal, and other cottonseed products, except oil, entering the United States for immediate transportation in bond to foreign countries, and the route over which transportation will be allowed will be designated in the permit.*† [Reg. 1]

†The source of §§ 321.203 to 321.208, inclusive. (except for the amendment noted in the text,) is Rules and regulations governing the importation of cottonseed cake, meal, and other cottonseed products into the United States, Secretary of Agriculture, June 29, 1917.

321.204 Permits for entry. On approval of the application, a permit will be issued in quadruplicate; one copy will be furnished to the applicant for presentation to the customs officer at the port of entry, one copy will be mailed to the collector at the port of entry, one copy to the inspector of the Department of Agriculture at the port of entry, and the fourth will be filed with the application. All permits will be valid from date of issuance until revoked. The port of entry approved will be named in the permit. Entry from Mexico will be limited to the border ports as to shipments by rail and as to ocean shipments to such northern ports of the United States as may be indicated in the permits.

Permits may be revoked whenever the Bureau of Entomology and Plant Quarantine shall determine that the articles imported or offered for importation contain raw cotton seed.*† [Reg. 2]

321.205 Notice of arrival. Immediately upon arrival of the shipment at the port of entry the permittee shall notify the Secretary of Agriculture, through the collector of customs, on forms provided for that purpose, stating the number of the permit, the quantity included in the shipment, the country and locality of origin, the name and address of the exporter or shipper, the port of departure, the date of arrival, and, if transported by water, the name of the ship or vessel and the designation of the dock where the shipment is to be landed, and, if by rail, the name of the railroad company and the terminal where the shipment is to be unloaded.

At the same time a copy of such notice shall be sent by the permittee to the inspector of the Department of Agriculture at the port of entry designated in the permit.*† [Reg. 3]

321.206 Conditions of entry. Entry will not be allowed unless the invoice is accompanied by a certificate issued by the exporter, stating that the products covered by the permit were, in the process of manufacture, safeguarded from contamination with raw cottonseed not forming part of the manufactured products, and, subsequent to manufacture, and as shipped, were safeguarded from, and entirely free from contamination with raw cottonseed; and until a written notice is given to the collector of customs by an inspector of the Department of Agriculture that they are released for entry without further restrictions so far as the jurisdiction of the Department of Agriculture extends thereto, which notice shall not be given until the products have been inspected and found free from uncrushed cottonseed, and, in the case of entry at ports on the Mexican border, disin-

*For statutory citation, see note to § 321.201.

†For source citation, see note to § 321.203.

fect: Provided, That, permits for the entry from Mexico of cottonseed cake, meal, or other cottonseed products, will be issued only for such products, originating in mills located in the Laguna district, or in the Altar district in the State of Sonora, or in such other districts as may be subsequently approved by the Secretary of Agriculture; and that such products offered for entry at ports on the Mexican border must further comply with Part 320.* [Reg. 4, R. & Regs. governing importation of cottonseed cake, meal, and other cottonseed products, as amended Aug. 7, 1925]

321.207 Entry of cottonseed oil from Mexico restricted. The exception of cottonseed oil in §§ 321.203–321.206 shall not apply to cottonseed oil offered for entry from Mexico.*† [Reg. 5]

321.208 Imperial Valley, Lower California, Mexico, exempt from the regulations in this subpart. Sections 321.203–321.207 shall not apply to cottonseed cake, meal, oil, and other cottonseed products originating in and shipped directly from the Imperial Valley, Lower California, Mexico.*† [Reg. 6]

PART 322—IMPORTATION OF ADULT HONEYBEES INTO THE UNITED STATES

Sec.	Regulations	Sec.	Special rules
322.1	Definition of bee diseases.	322.7	Importations of queenbees restricted to certain classes of institutions and persons.
322.2	Definition of adult honeybees.	322.8	Queenbees may be imported only from experienced and recognized breeders.
322.3	Importation of adult honeybees prohibited except as hereinafter provided.	322.9	No responsibility attached to Department of Agriculture for death of queenbees en route.
322.4	Adult honeybees may be imported by Department of Agriculture for experimental and scientific purposes.	322.10	Cooperation with Department of Agriculture required of persons receiving imported queenbees.
322.5	Adult honeybees may be imported from countries free from bee diseases.		
322.6	State laws on control of diseases of bees to be respected.		

CROSS REFERENCE

Customs regulations, honeybees: See Customs Duties, 19 CFR, §§ 10.21, 10.22.

REGULATIONS

Section 322.1 Definition of bee diseases. For the purpose of the regulations in this part, it is understood that a disease dangerous to the adult honeybee is one which attacks adult honeybees, as distinguished from one which attacks the brood or developmental stages of the honeybee. Such diseases of adult honeybees are understood to include all diseases which attack adult honeybees, including queenbees, worker bees, and drones or male bees: Provided, That the disease caused by the protozoan parasite, *Nosema apis*, sometimes known as *Nosema-disease*, now widespread in the United States, shall not be

considered as a disease dangerous to adult honeybees for the purposes of the regulations in this part.*† [Reg. 1]

*§§ 322.1 to 322.10, inclusive, issued under the authority contained in sec. 1, 42 Stat. 833; 7 U.S.C. 281.

†The source of §§ 322.1 to 322.6, inclusive, is Regulations governing the importation of adult honeybees into the United States, May 12, 1933, Dept. circ. 287.

322.2 Definition of adult honeybees. Since, in the opinion of the Secretary of Agriculture, the importation of queenbees, with necessary accompanying worker bees, is the only kind which is necessary for the improvement of the stock of honeybees within the United States, it is understood that, for the purposes of the regulations in this part, such expressions as the "importation of honeybees" or "importation of adult honeybees" shall mean the importation of queenbees and the necessary accompanying worker bees, except as hereinafter provided.*† [Reg. 2]

322.3 Importation of adult honeybees prohibited except as hereinafter provided. The importation into the United States of the honeybee (*Apis mellifica*) in its adult stage, except as hereinafter provided, is prohibited, and all adult honeybees offered for entry into the United States, except as hereinafter provided in the regulations in this part, shall be destroyed if not immediately exported.*† [Reg. 3]

322.4 Adult honeybees may be imported by Department of Agriculture for experimental and scientific purposes. (a) On representation by any person to the Department of Agriculture that there is adequate necessity for the importation of adult honeybees for experimental and scientific purposes, from any country other than those determined by the Secretary of Agriculture to be free of all diseases dangerous to adult honeybees, the Department of Agriculture will undertake to import such adult honeybees under the first proviso of the Act (Sec. 1, 42 Stat. 833; 7 U.S.C. 281) for the purpose intended, when the Department shall determine that such importations can be made without risk to the beekeeping industry of the country.

(b) All shipments of adult honeybees made for experimental and scientific purposes shall be addressed to the United States Department of Agriculture, Washington, D. C., and shall be subject to such examinations and holding in quarantine as may be necessary to determine the freedom of the shipment from diseases dangerous to adult honeybees. It is understood, as a further precautionary measure, that the Department of Agriculture will destroy all the worker bees accompanying such imported queenbees and will provide fresh worker bees and a fresh mailing cage for each such shipment. Any such importation made for experimental and scientific purposes which is found to be infected with any disease dangerous to adult honeybees may be destroyed or returned to the country of origin, at the option of the Department of Agriculture and no shipment will be distributed until the Department of Agriculture is convinced that the adult honeybees therein contained are free from all dangerous diseases. Any persons receiving adult honeybees distributed by the Department of Agriculture shall agree to the re-examination of the shipment from time to time, at the option of the Department, and shall relinquish

*†For statutory and source citations, see note to § 322.1.

the shipment and any increase therein to the Department of Agriculture for destruction or safeguarding, should any diseases dangerous to adult honeybees at any time develop in connection with it.*† [Reg. 4]

322.5 Adult honeybees may be imported from countries free from bee diseases. In accordance with the second proviso of the Act, adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall have determined that there exists no disease dangerous to adult honeybees.

(a) The Secretary of Agriculture, having determined that no disease dangerous to adult honeybees exists in the Dominion of Canada and being advised that, under order of the Deputy Minister of Agriculture of the Dominion of Canada, dated April 22, 1922, the importation of bees, used and second-hand hives, and raw hive goods and products, except honey and wax, from the continent of Europe into the Dominion of Canada, is prohibited, does hereby authorize that adult honeybees, unrestricted as to the definition thereof contained in § 322.2 hereof, may be imported from the Dominion of Canada into the United States or any of its Territories or Districts free from any restriction whatsoever provided in the regulations in this part, until otherwise ordered.

(b) Importations under the second proviso of the Act, from any country other than the Dominion of Canada, shall be conditioned on the determination by the Secretary of Agriculture that, as a result of adequate scientific investigations, no diseases dangerous to adult honeybees exist in the country in question and that adequate precautions have been taken by such country to prevent the importation of adult honeybees from countries where such dangerous diseases exist.*† [Reg. 5]

322.6 State laws on control of diseases of bees to be respected. Nothing in the regulations in this part shall interfere with the regulations of any State pertaining to the control of the diseases of bees, either of the adult stage or of the brood, and a removal of the restrictions of this Act as applied to any country shall not be construed as granting permission for importations prohibited by the laws of the State into which shipment is contemplated.*† [Reg. 6]

SPECIAL RULES

322.7 Importations of queenbees restricted to certain classes of institutions and persons. Importations will be limited to the following classes of institutions and persons:

(a) Public institutions, such as Agricultural Colleges, Agricultural Experiment Stations, and similar institutions, which desire to conduct investigations on the various races of honeybees, may obtain queenbees through importation by the Department of Agriculture for such experiments.

(b) An individual, who can show that he is engaged in some special field of experimental and scientific work in beekeeping or with honey-

bees, may, on a satisfactory showing of scientific training and experience requisite for such work, obtain queenbees through importation by the Department of Agriculture for that purpose, provided there is reason to believe that the proposed experimental and scientific work will have value as a public service.

(c) Commercial queen-breeders, who urgently need queenbees for breeding experiments, may apply to the Department of Agriculture to have the necessary importations made. Such an application shall contain, or be accompanied by, evidence that the applicant is engaged in the rearing of queenbees on a commercial scale and shall indicate the purpose of, and the necessity for, the importations. If an applicant is not well known to the Department, he may be required to submit a list of persons qualified to substantiate statements made regarding his ability and standing as a breeder of queenbees.

(d) The Department of Agriculture does not consider that the experimental and scientific purpose for which importations may be made under § 322.4 includes the importation of queenbees for individual beekeepers merely for the purpose of requeening their own apiaries. In case, however, queens of certain races cannot be obtained in the United States, and the testing in the United States of such races would be of value to the beekeeping industry, the necessary importations will be made by the Department, provided that those who make request therefor, and to whom the queens are to be distributed for experimental and scientific purposes, will agree to report to the Department twice annually on the merits of such races in comparison with races already known in the United States. Applications for such importations must show that it is impossible to secure such queens from commercial queen-breeders in the United States.* (Issued under § 322.4) [Rule 1, Special rules, June 19, 1923, Dept. Cir. 287]

322.8 Queenbees may be imported only from experienced and recognized breeders. Persons, institutions, and others, in urgent need of imported queenbees for experimental and scientific purposes, may submit a statement of their needs to the Department of Agriculture, giving the name and address of the foreign queen-breeder from whom the queenbees are desired, and, if approved, the Department will transmit an order to the breeder in the foreign country from which such queenbees are desired. No orders for imported queenbees will be placed by the Department of Agriculture with any but experienced and recognized breeders of queenbees in foreign countries and evidence must be presented by the applicant that the foreign queen-breeder is qualified to rear good queenbees and to mail them in a satisfactory condition.* (Issued under § 322.4) [Rule 2, Special rules, June 19, 1923, Dept. Cir. 287]

322.9 No responsibility attached to Department of Agriculture for death of queenbees en route. In the event that importations are made and the queenbees die en route, the Department of Agriculture assumes no responsibility whatsoever, either in the shipment of the queenbees from the foreign country to the Department of Agri-

*For statutory citation, see note to § 322.1.

culture or in forwarding the queenbees to the person at whose request the importation was made. Every care will be exercised so that the queenbees may be safely mailed under the restrictions laid down in § 322.4. All shipments of queenbees will be made in accordance with the regulations of the Post Office Department governing such shipments in domestic mails.* (Issued under § 322.4) [Rule 3, Special rules, June 19, 1923, Dept. Cir. 287]

CROSS REFERENCE: For postal regulations pertinent to the importation of bees, see 39 CFR 6.19-6.21.

322.10 Cooperation with Department of Agriculture required of persons receiving imported queenbees. All persons receiving queenbees from foreign countries distributed by the Department of Agriculture shall agree further to cooperate with the Department in such additional examinations of the colonies containing the imported queenbees or their offspring, as shall be deemed necessary to protect the beekeeping interests of the United States from the introduction of diseases dangerous to adult honeybees. In the event that any later examination of the offspring of the imported queenbees is deemed necessary by the Department, the person receiving the imported queenbees shall agree to furnish the bees desired promptly or to permit such examinations by a representative of the Department as may be deemed necessary. Any person receiving such imported queenbees from the Department of Agriculture shall further agree to notify the Department immediately if any abnormal conditions are seen in the adult honeybees in the colony headed by the imported queenbee, or in any other colony in the same apiary, so as to permit immediate examinations of any apparently abnormal adult honeybees.* (Issued under § 322.4) [Rule 4, Special rules, June 19, 1923, Dept. Cir. 287]

PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

Sec.	Sec.
351.1 Regulations governing the joint treatment of plant products imported by mail.	351.5 Return or destruction.
351.2 Location of inspectors.	351.6 Packages in closed mail dispatches.
351.3 Procedure on arrival.	351.10 Regulations governing importation by mail of plant material for immediate export.
351.4 Records.	

Section 351.1 Regulations governing the joint treatment of plant products imported by mail. Under various orders, quarantines, and regulations promulgated by the Secretary of Agriculture under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended, the entry into the United States of certain plants and plant products is prohibited or restricted. (See 31 CFR 21.057 and also articles 578 to 584, inclusive, and 914 (c) of the Customs Regulations of 1937.) As an aid in enforcing these or subsequent orders, quarantines, and regulations, provisions have been made by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, concurrently with the

Postal and Customs Services, to insure closer inspection of such importations.*† [Reg. 1]

*§§ 351.1 to 351.6, inclusive, issued under the authority contained in sec. 7, 37 Stat. 317; 7 U. S. C. 160.

†The source of §§ 351.1 to 351.6, inclusive, is Regulations, Secretary of Agriculture, Postmaster General, Secretary of the Treasury, T. D. (Customs) 48181, Feb. 25, 1936.

CROSS REFERENCE: For articles 580, 581, 584, 914 (c) of Customs Regulations of 1937, see 19 CFR 10.11, 10.12, 10.13, 16.38 (c).

351.2 Location of inspectors. Inspectors of the Bureau of Entomology and Plant Quarantine and customs officers are stationed at the following post offices:

Atlanta, Ga.	Miami, Fla.
Baltimore, Md.	Mobile, Ala.
Bellingham, Wash.	Naco, Ariz.
Blaine, Wash.	New Orleans, La.
Boston, Mass.	New York, N. Y.
Brownsville, Tex.	Nogales, Ariz.
Buffalo, N. Y.	Norfolk, Va.
Calexico, Calif.	Pensacola, Fla.
Charleston, S. C.	Philadelphia, Pa.
Chicago, Ill.	Port Arthur, Tex.
Del Rio, Tex.	Portland, Oreg.
Detroit, Mich.	Presidio, Tex.
Douglas, Ariz.	Rio Grande City, Tex.
Eagle Pass, Tex.	Roma, Tex.
El Paso, Tex.	St. Paul, Minn.
Galveston, Tex.	San Diego, Calif.
Hidalgo, Tex.	San Francisco, Calif.
Honolulu, T. H.	San Juan, P. R.
Houston, Tex.	San Ysidro, Calif.
Jacksonville, Fla.	Savannah, Ga.
Key West, Fla.	Seattle, Wash.
Laredo, Tex.	Tampa, Fla.
Los Angeles, Calif.	Washington, D. C.
(including San Pedro)	

*†[Reg. 2]

351.3 Procedure on arrival. All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found to contain plants or plant products shall be dispatched for submission, or actually submitted, to the plant quarantine inspector (article 583 (e), Customs Regulations of 1937) at the most accessible of the foregoing places, who shall pass upon the contents, under the Plant Quarantine Act, and with the cooperation of the customs and postal officers, either (a) release the package from further plant-quarantine examination and indorse his decision thereon; or (b) divert it to Washington, D. C., San Francisco, Calif., or Seattle Wash., for disposition. If so diverted, the plant quarantine inspector shall attach to the package the yellow-and-green special mailing tag addressed to the proper quarantine station. The package should also be accompanied by customs card form 3511 and transmitted in accordance with the appropriate provisions of 19 CFR 7.9 (a).*† [Reg. 3]

351.4 Records. The customs officers at San Francisco, Calif., Seattle, Wash., and Washington, D. C., shall keep a record of such

*†For statutory and source citations, see note to § 351.1.

packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch; or in appropriate cases subject the shipment to formal customs-entry procedure.*† [Reg. 4]

351.5 Return or destruction. The plant-quarantine inspector may require the entire shipment to be returned to the country of origin as a prohibited importation, in which event he shall indorse his action thereon and deliver the shipment over to the collector of customs, who shall in turn deliver it to the postmaster for dispatch to the country of origin. If the plant material, upon examination, is deemed dangerous to plant life, the collector of customs shall permit the plant-quarantine inspector to destroy immediately both the container and contents. In either case the plant-quarantine inspector shall notify the addressee of the action taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be delivered to the addressee, after removing and destroying the objectionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (BEPQ form 387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor. (See T. D. (Customs) 42952.) Mail packages received at San Juan, P. R., and Honolulu, T. H., shall be accorded treatment as herein prescribed at these two ports and not diverted to Washington, D. C., San Francisco, Calif., or Seattle, Wash.*† [Reg. 5]

351.6 Packages in closed mail dispatches. Packages containing plants or plant products received in closed mail dispatches made up direct to post offices (located at a customs port at which no plant-quarantine inspector is stationed) not included in the foregoing list of post offices, or such packages which are forwarded to these post offices from the post office of original receipt without having received plant-quarantine examination, shall be forwarded by the collector of customs through the postmaster (accompanied by customs card form 3511 in the manner heretofore described) to the most accessible of the post offices listed above for treatment in accordance with the foregoing instructions. Packages discovered at post offices where no customs officer is located shall be forwarded by the postmaster under his official penalty envelope addressed to the collector of customs at the most accessible of the post offices listed for appropriate treatment as prescribed herein.*† [Reg. 6]

351.10 Regulations governing importation by mail of plant material for immediate export. To collectors of customs and others concerned:

Shipments of plant material may be imported by mail for immediate exportation by mail, free of duty, subject to the following regulations, which have been approved by the Department of Agriculture and the Post Office Department:

(a) Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the

serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the United States Department of Agriculture, and also the postal form of customs declaration.

(b) Upon arrival, the shipment shall be detained by, or redispached to, the postmaster at Washington, D. C., San Francisco, Calif., Seattle, Wash., Honolulu, T. H., or San Juan, P. R., as may be appropriate, according to the address on the yellow and green tag, and there submitted to the customs officer and the Federal quarantine inspector (T.D. (Customs) 40363). The merchandise shall under no circumstances be permitted to enter the commerce of the United States.

(c) After inspection by the customs and quarantine officers, and with their approval, the addressee, or his authorized agent, shall repack and readdress the mail parcel under customs supervision; affix to the parcel the necessary postage, and comply with other mailing requirements, after which the parcel shall be delivered to the postmaster for exportation by mail pursuant to 19 CFR 7.21. The contents of the original parcel may be subdivided and exported in separate parcels in like manner.

(d) Each parcel imported shall be subject to the payment of the regular 10-cent customs clearance fee and the 5-cent delivery fee exacted by the postal service.

(e) It will not be necessary to issue customs mail entry (Form 3419) nor to require formal entry of the shipments. Copies of customs Form 7513 shall be furnished the Comptroller and the Section of Customs Statistics at New York, respectively.

The mail shipments referred to shall be accorded special handling only at the five points specified in paragraph (b).

The foregoing procedure shall not affect the movement of plant material in the international mails in transit through the United States. (Sec. 7, 37 Stat. 317; 7 U.S.C. 160) [Regs., Sec. Agric., Postmaster General, Sec. Treas., T.D. (Customs) 48237, par. (A), Mar. 20, 1936]

CROSS REFERENCE: Exportation by mail, transmission by air transportation facilitated, see Customs Duties, 19 CFR 7.21 (d).

PART 352—TREATMENT OF RESTRICTED OR PROHIBITED PLANTS OR PLANT PRODUCTS TEMPORARILY IN THE UNITED STATES

Sec.		Sec.	
	Order	352.7	Conditions governing landing for exportation.
352.1	Safeguarding plants and plant products.	352.8	Disposal of restricted or prohibited plants and plant products, the entry or landing of which is not intended, or for which entry is refused, while they are within the territorial limits of the United States.
	Regulations		
352.2	Definitions.	352.9	Administrative instructions; shipment of Mexican citrus fruits in bond through the United States.
352.3	Permits for landing or unloading for exportation or for transportation and exportation.		
352.4	Application for permit.		
352.5	Issuance of permits.		
352.6	Notice of arrival.		

ORDER

Section 352.1 Safeguarding plants and plant products. Under the authority conferred upon the Secretary of Agriculture by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended, it is ordered that on and after December 1, 1932, the unloading, landing, movement, or possession within the territorial limits of the United States of plants and plant products the importation of which is now or may hereafter be restricted or prohibited by plant quarantines or orders, when they shall fall in the following categories, shall be permitted only when danger of pest escape is not involved and shall be subject to compliance with the regulations supplemental hereto:

- (a) Are unloaded or landed for transshipment and exportation.
- (b) Are unloaded or landed for transportation and exportation.
- (c) Are brought in for temporary stay where unloading or landing is not intended.
- (d) Are intended for importation but are refused entry.

Such plants and plant products found to have been landed, unloaded, or brought within the territorial limits of the United States in contravention of the provisions of this order may be seized, destroyed, or otherwise disposed of, as authorized by section 10 of the Act (45 Stat. 468; 7 U.S.C. 164a).

Any person attempting to bring, land, or unload or move or maintain such plants and plant products within the territorial limits of the United States, except as provided in the regulations supplemental hereto, shall be liable upon conviction to the penalties prescribed by the said Act.* [Order for safeguarding plants and plant products temporarily in United States territory, Oct. 4, 1932]

*§§ 352.1 to 352.8, inclusive, issued under the authority contained in sec. 5, 37 Stat. 316; 7 U.S.C. 159.

REGULATIONS

352.2 Definitions. For the purposes of the regulations in this part the following words, names, and terms shall be construed, respectively, to mean:

(a) **Plants and plant products.** Nursery stock, other plants, plant parts, roots, bulbs, seeds, fruits, nuts, vegetables, other plant products, and any plant product constituted, in whole or in part, of plant material which has not been so manufactured or processed as to eliminate pest risk.

(b) **Restricted.** Importation into the United States allowed only in accordance with regulations issued under plant quarantines or orders.

(c) **Prohibited.** Importation into the United States forbidden by plant quarantines or orders.

(d) **Immediate (export), immediate (transportation and exportation).** The period which, in the judgment of the inspector, is the shortest practicable interval of time between the arrival of an incoming vessel, aircraft, or land vehicle, and the departure of the

outgoing vessel, aircraft, or land vehicle transporting a consignment of restricted or prohibited plants and plant products.

(e) **Vessel.** Any craft in which plants and plant products may be transported by water.

(f) **Aircraft.** Any vehicle in which plants and plant products may be transported by air.

(g) **Vehicle.** Any contrivance which may be used for the transportation of plants and plant products on land.

(h) **Safeguard.** So to handle, maintain, or dispose of plants and plant products falling within the categories to which the regulations in this part apply as to minimize or to eliminate pest risk which the said plants and plant products may involve.

(i) **Inspector.** Any employee of the United States Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act and furnished with and wearing a suitable identifying badge.

(j) **Person.** Imports both the singular and the plural, as the case demands, and shall include corporations, companies, societies, and associations (sec. 11 of the act).

(k) **Act.** The Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended.*† [Definitions]

†The source of §§ 352.2 to 352.8, inclusive, is Plant safeguard regulations, rev., Department of Agriculture, Oct. 4, 1932.

352.3 Permits for landing or unloading for exportation or for transportation and exportation. The landing or unloading for exportation, or for transportation and exportation, of plants and plant products, whose entry is now, or may hereafter be, restricted or prohibited, shall not be allowed, except under permit and at such port of entry and over such route as shall be designated in the permit.*† [Reg. 1]

352.4 Application for permit. Persons contemplating the landing or unloading of restricted or prohibited plants and plant products for exportation, or for transportation and exportation, should apply to the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington, D. C.,¹⁷ for a permit, stating:

- (a) Exact nature and quantity of the plants and plant products.
- (b) Country¹⁸ and locality in which grown or produced.
- (c) Name and address of foreign shipper.
- (d) Foreign port of departure.
- (e) Name of transportation line (water, air, rail, vehicular) bringing the plants and plant products to the United States.
- (f) Port of arrival in the United States.
- (g) Proposed routing to United States port of exit.
- (h) Proposed United States port of exit.*† [Reg. 2]

¹⁷ Application form No. 685 will be furnished on request.

¹⁸ This is not necessarily the same as the country in which the foreign port of departure is located. The need is emphasized of indicating the country in which the products were actually grown.

352.5 Issuance of permits.¹⁹ On approval of an application, a permit will be issued to the permittee for submittal to the collector of customs at the port of entry.^{20*}† [Reg. 3]

352.6 Notice of arrival. Immediately upon the arrival at a port of the United States of restricted or prohibited plants and plant products intended for exportation or for transportation and exportation, the permittee shall submit to the Bureau of Entomology and Plant Quarantine, through the collector of customs, a notice of arrival on the form provided for that purpose,²¹ furnishing, in addition to the information required by the application for permit—

(a) Name of transportation line (water, air, rail, vehicular), and
(b) Name of vessel, aircraft, or land vehicle (if by rail, the car numbers should be furnished) to which the said plants and plant products will be transshipped or transferred for exportation or for transportation and exportation.

(c) United States port of exit.

(d) Name and address of foreign consignee.

(e) Date of arrival at port of entry.

(f) Present location of the shipment.*† [Reg. 4]

352.7 Conditions governing landing for exportation. Restricted or prohibited plants and plant products for which a permit has been issued shall not be landed or unloaded for transfer or transshipment for exportation or for transportation and exportation, except under the supervision of the collector of customs and in accordance with articles 900, 902, 903, and 910 of the Customs Regulations of 1937.

The landing or unloading and the transfer or transshipment of such restricted or prohibited plants and plant products shall be effected by such methods and under such safeguards as shall be required by an inspector of the Bureau of Entomology and Plant Quarantine.

It is required that all restricted or prohibited plants and plant products for which landing or unloading for exportation or for transportation and exportation is provided in this order shall be exported from the United States within the shortest practicable time after being landed or unloaded. The terms "exportation" and "transportation and exportation", as employed in the regulations in this part, shall be understood to mean "immediate exportation" and "immediate transportation and exportation." If immediate exportation or immediate transportation and exportation are not effected as required, the said plants and plant products shall be subject to seizure and to

¹⁹ Entries of this character are usually handled by customs brokers or by forwarding agents to whom a permit will be issued upon approval of an application.

²⁰ In addition to the copy furnished to the permittee, or to his agent, for presentation to the customs officer at the United States port of arrival, a copy of the permit will be mailed to the collector of customs, one to the inspector of the Bureau of Entomology and Plant Quarantine at the port, and the fourth will be filed with the application.

²¹ For the sake of convenience, the application for permit and the notice of arrival are combined in one form (No. 685), which is intended to serve as an application, or as a notice of arrival, or for both purposes.

destruction or other disposal, as authorized by section 10 of the Act (45 Stat. 468; 7 U.S.C. 164a).*† [Reg. 5]

CROSS REFERENCE: For articles 900, 903, 910 of Customs Regulations of 1937, see 19 CFR 16.27, 16.28, 16.34.

352.8 Disposal of restricted or prohibited plants and plant products, the entry or landing of which is not intended, or for which entry is refused, while they are within the territorial limits of the United States. If, in the judgment of the Secretary of Agriculture or his authorized agent, it is necessary to safeguard restricted or prohibited plants and plant products arriving at a port of the United States where entry or landing is not intended, or for which entry is refused, and they can not be adequately safeguarded, they shall be seized, destroyed, or otherwise disposed of, as provided in section 10 of the Act.

If, in the judgment of the Secretary of Agriculture or his authorized agent, it is necessary to safeguard such restricted or prohibited plants and plant products, and they can be adequately safeguarded, he shall prescribe the necessary measures and shall advise, in writing, the master, captain, pilot, driver, or other person in charge or possession of the vessel, aircraft, or land vehicle of the safeguards so prescribed. If the said restricted or prohibited plants and plant products are not safeguarded in accordance with the prescribed measures, they shall be seized, destroyed, or otherwise disposed of, as provided in section 10 of the Act (45 Stat. 468; 7 U.S.C. 164a).*† [Reg. 6]

352.9 Administrative instructions; shipment of Mexican citrus fruits in bond through the United States—(a) Conditions governing rail shipment in bond of citrus fruit produced in the State of Sonora, Mexico. (1) Permits will be issued to authorize the entry for immediate transportation and exportation in bond of Mexican citrus fruit produced in the State of Sonora alone, under conditions which will be incorporated in the permits.

(2) The exporter of citrus fruit or his forwarding agent in the United States must first procure from the Bureau of Entomology and Plant Quarantine a permit to authorize the routing of the shipment via a certain port of the United States. A separate permit will be required for each port of entry and country of destination, but each permit will be an open permit continuing until revoked and valid over all the designated routes.

(3) Such movement will be limited to entry through the ports of Nogales and Naco, Ariz., and movement through the United States by designated routes to Canada, or back into Mexico at ports not farther east than El Paso.

(4) As a condition of such movement the fruit must be shipped in bond under United States customs seal in refrigerator cars, and may not be transhipped en route.

(5) Prior to entry the permittee or his forwarding agent must submit to the collector of customs at the port of entry a notice, in duplicate, on forms provided for the purpose, indicating the initials and number of the railroad car, the particular authorized route over which it is proposed that the car shall move, and the port of exit on

*For statutory citation, see note to § 352.1.

†For source citation, see note to § 352.2.

the Canadian or Mexican border through which the car will pass out of the United States.

(6) Before entry each car must be disinfected in such manner as shall be required by the inspector of the Bureau of Entomology and Plant Quarantine.

(7) After the shipment has reached destination and been discharged either in Canada or Mexico, the car conveying it, as a condition of return to the United States, must be carefully swept and freed from all boxes, fruit, or other rubbish by the railroad company involved.

Failure to comply with any of the above requirements may cause the cancelation of the permit.

(b) Railroad routes authorized for the movement of Sonoran citrus fruit directly from Mexico to Canada or back into Mexico—(1) **From Sonora, Mexico, to Canada in bond through the United States.** Direct routing is authorized of citrus fruits from the State of Sonora, Mexico, through Nogales or Naco, Ariz., eastward to El Paso, Tex., thence to Canada via any routing which does not pass west of the direct rail routes through Salt Lake City, Utah, and Portland, Oreg., or southeast of the direct rail routes through San Antonio, Tex., and St. Louis, Mo.

(2) **From Sonora, Mexico, in bond through the United States back into Mexico.**

Port of entry into United States	Via	Port of exit from United States	Port of re-entry into Mexico
Nogales, Ariz.	Southern Pacific & Nacozari R. R.	Douglas--	Agua Prieta, Sonora.
Do-----	Southern Pacific & Mexico Northwestern R. R.	El Paso--	Ciudad Juarez, Chihuahua.
Naco, Ariz---	Southern Pacific & Nacozari R. R.	Douglas--	Agua Prieta, Sonora.
Do-----	Southern Pacific, Mexico Northwestern, or National R. R. of Mexico.	El Paso--	Ciudad, Juarez, Chihuahua.
Douglas, Ariz-	-----do-----	---do-----	Do.

(c) Conditions governing movement in bond to Canada of Mexican citrus fruit through North Atlantic ports. In addition to the rail movement from the Mexican border ports of citrus fruit produced in the State of Sonora, Mexico, under the conditions set forth above, citrus fruit from any part of Mexico coming to the port of New York or other approved northern Atlantic ports by ocean transit during the period October 15 to March 15, if apparently free from infestation, as determined by inspection at the approved port of entry, may be permitted entry at such ports for immediate transportation and exportation in bond to Canada in accordance with §§ 352.2-352.8.

A separate permit is required for each shipment of this character and application should be made in advance: Provided, That a continuing permit, valid until revoked, may be issued upon application when it is shown that shipments will be made throughout each season. If all required information is not available in advance of the arrival of any shipment for which a separate permit is required, the forwarding agent at New York may file an application at the New York office of the Bureau of Entomology and Plant Quarantine, room 844, Federal Building, Christopher Street, New York, on the arrival of such a consignment at that port.

After the shipment has reached destination and been discharged in Canada, the car conveying it, as a condition of return to the United States, must be carefully swept and freed from all boxes, fruit, or other rubbish by the railroad company involved.* (Issued under §§ 352.2–352.8) [PQCA 305, rev., Sept. 11, 1933]

PART 353—SANITARY EXPORT CERTIFICATION

Sec.	Sec.
Regulations	353.5 Application for certification.
353.1 Definitions.	353.6 Inspection.
353.2 Administration.	353.7 Certificates.
353.3 Where service is offered.	353.8 Fees.
353.4 Products covered.	353.9 Publications.

REGULATIONS

Section 353.1 Definitions. Words used in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

(a) **The Act.** The following provision of an Act of Congress entitled “An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, and for other purposes”, (49 Stat. 268), or any future act of Congress conferring like authority: “for the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of domestic plants and plant products, when offered for export, and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, * * * Provided, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.”

(b) **Secretary.** The Secretary or Acting Secretary of Agriculture of the United States.

(c) **Bureau.** The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(d) **Products.** Domestic plants and plant products.

*For statutory citation, see note to § 352.1.

(e) **Inspector.** An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, or other person authorized by the Secretary of Agriculture to inspect and certify to shippers and other interested parties, as to the sanitary condition of the products inspected under the act.

(f) **Office of inspection.** The office of an inspector of products covered by the regulations in this part.

(g) **Certificate.** A certificate of the sanitary condition of the products concerned, based on inspection of representative samples, issued by an inspector under the Act.

(h) **Regulations.** Rules and regulations of the Secretary under the Act.

(i) **Consignment.** Any shipment of products assembled and inspected at one place at one time and covered by one application, or any mail shipment consigned to one consignee.*† [Reg. 1]

*§§ 353.1 to 353.9, inclusive, issued under the authority contained in 49 Stat. 268.

†The source of §§ 353.1 to 353.9, inclusive, is Regulations governing sanitary export certification, Sept. 19, 1936, effective Sept. 21, 1936.

353.2 Administration. The Chief of the Bureau of Entomology and Plant Quarantine is charged with the supervision of the performance of all duties arising in the administration of the Act.*† [Reg. 2]

353.3 Where service is offered. Certification may be made at the following ports of export, where inspectors of the Bureau of Entomology and Plant Quarantine are located:

Baltimore, Md.
 Bellingham, Wash.
 Boston, Mass.
 Brownsville, Tex.
 Buffalo, N. Y.
 Calexico, Calif.
 Charleston, S. C.
 Chicago, Ill.
 Del Rio, Tex.
 Detroit, Mich.
 Douglas, Ariz.
 Eagle Pass, Tex.
 El Paso, Tex.
 Galveston, Tex.
 Hidalgo, Tex.
 Honolulu, Hawaii.
 Houston, Tex.
 Jacksonville, Fla.
 Key West, Fla.
 Laredo, Tex.
 Los Angeles, Calif.
 Mercedes, Tex.

Miami, Fla.
 Mobile, Ala.
 Naco, Ariz.
 New Orleans, La.
 New York, N. Y.
 Nogales, Ariz.
 Norfolk, Va.
 Philadelphia, Pa.
 Port Arthur, Tex.
 Portland, Oreg.
 Presidio, Tex.
 Rio Grande City, Tex.
 Roma, Tex.
 San Diego, Calif.
 San Francisco, Calif.
 San Juan, P. R.
 San Pedro, Calif.
 San Ysidro, Calif.
 Savannah, Ga.
 Seattle, Wash.
 Tampa, Fla.
 Ysleta, Tex.

*† [Reg. 3]

353.4 Products covered. Domestic plants and plant products when offered for export.*† [Reg. 4]

353.5 Application for certification. (a) A written application shall be made on forms provided for the purpose setting forth such

information as is called for, as far in advance as possible, and shall be filed in the office of inspection at the port of certification.

(b) Each application shall be deemed filed when delivered to the proper office of certification. When such application is filed, a record showing the date and time of filing shall be made in such office.*† [Reg. 5]

353.6 Inspection. (a) The applicant shall cause the product for which inspection is requested to be made accessible for inspection and identification and to be so placed as to permit efficient inspection for insects and plant diseases of representative samples of all grades or kinds of products.

(b) All labor involved in the inspection, including the moving, opening, and closing of containers, shall be furnished by the applicant.

(c) Certificates may be refused for failure to carry out fully any of the foregoing provisions.

(d) No inspector shall inspect any products in which he or a member of his family is directly or indirectly financially interested.*† [Reg. 6]

353.7 Certificates. (a) For each consignment of products for which certification is requested, the inspector shall sign and issue a separate certificate based on the findings of the inspection.

(b) The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by him.

(c) One copy of each certificate shall be filed in the office of certification, and one forwarded to the Chief of the Bureau of Entomology and Plant Quarantine.

(d) The Chief of the Bureau of Entomology and Plant Quarantine may authorize inspectors to issue certificates on the basis of inspections made by cooperating Federal and State agencies under requirements and conditions approved by him.

(e) Inspectors may issue new certificates on a basis of inspections for previous certifications when the previously issued certificates can be canceled before they have been accepted by the phytopathological authorities of the country of destination involved.*† [Reg. 7]

353.8 Fees. (a) For each certificate issued the fee shall be \$1.

(b) A fee of \$1 shall be charged for extra copies of certificates requested after the original certificate and its accompanying copies have been issued.

(c) All fees shall be paid by check, money order, or draft made payable to disbursing clerk, United States Department of Agriculture. Such collections shall be promptly forwarded to the Chief of the Bureau of Entomology and Plant Quarantine at the close of each week to be covered into the Treasury as miscellaneous receipts.*† [Reg. 8]

353.9 Publications. Publications under the Act and the regulations in this part shall be made in Service and Regulatory Announcements of the Bureau of Entomology and Plant Quarantine and such other media as the Chief of that Bureau may from time to time designate for the purpose.*† [Reg. 9]

*†For statutory and source citations, see note to § 353.1.

